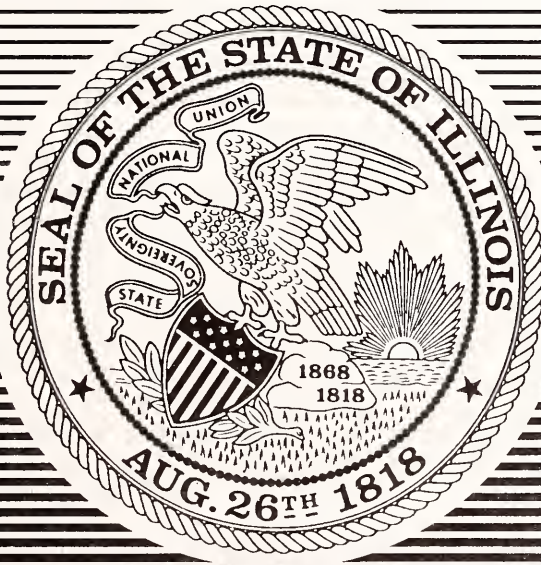


2001

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 25, Issue 35  
August 31, 2001

Pages 10,966 – 11,199

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**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed Noon)	January 4, 2002
Issue 27	June 25	July 6			

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.



## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Disqualifying Income and Reduced Benefits

2) Code Citation: 56 Ill. Adm. Code 2920

3) Section Number: 2920.18  
Proposed Action:  
Amendment

4) Statutory Authority: 820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 606, 610, 611, 1300, 1700 and 1701.

5) A Complete Description of the Subjects and Issues Involved: The recent enactment of the federal Economic Growth and Tax Relief Reconciliation Act of 2001 requires that states reduce the amount of voluntary withholding for federal income tax from an individual's unemployment benefits from 15% to 10%. This is a federal conformity issue and implementation must begin after 60 days from the effective date of the Act (June 7, 2001).

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain an incorporation? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objective: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts or community college districts.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: Interested persons may submit written comments, data, views or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Gregory J. Ramel, Deputy Legal Counsel  
Illinois Department of Employment Security  
401 South State Street - 7th Floor South  
Chicago IL 60605  
312-793-4240

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the First Notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking has no direct effect on small businesses, small municipalities and not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: No reporting or bookkeeping is required for compliance.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY  
SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

## PART 2920

## DISQUALIFYING INCOME AND REDUCED BENEFITS

## Section

- 2920.1 Ineligibility To Receive Benefits Due To Performing Full-Time Work Or  
2920.5 Due To The Receipt Of Various Income Whose Sum Is Equal To Or Greater Than The Individual's Weekly Benefit Amount
- 2920.10 Reduction In Benefits Due To Receipt Of Vacation Pay, Holiday Pay, Retirement Pay, And Workers' Compensation Whose Sum Is Less Than The Individual's Weekly Benefit Amount
- 2920.15 Reduction In Benefits Due To Receipt Of Wages For Less Than Full-Time Work
- 2920.18 Voluntary Withholding For Federal Income Tax
- 2920.20 Reduced Benefits: Payment Of Dependents' Allowance Or Spouse's Allowance
- 2920.25 Payments Made During Shutdown For Inventory Or Vacation Purposes
- 2920.30 Payments Made In Connection With Separation Or Layoff As, Or In The Nature Of Vacation Pay, Vacation Pay Allowance Or As Pay In Lieu Of Vacation
- 2920.35 Holiday Pay
- 2920.40 Payments In Lieu Of Notice Of Separation Or Layoff
- 2920.45 Severance Pay
- 2920.48 Residual Payments
- 2920.50 Back Pay Awards
- 2920.55 Receipt Of Or Filing For Unemployment Insurance Benefits Under The Laws Of Another State, Canada, Or The United States
- 2920.60 Supplemental Unemployment Benefits (SUB Pay)
- 2920.65 Retirement Pay
- 2920.66 Payments To An Election Judge
- 2920.68 Payments By A Labor Union
- 2920.69 Jury Service
- 2920.70 Retirement Pay Considered Disqualifying Income
- 2920.75 Allocation Of Retirement Pay
- 2920.80 Miscellaneous Forms Of Retirement Pay
- 2920.85 Conformity With Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 610, 611, 1300, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/234, 235, 239, 245, 401, 402, 600, 605, 610, 611, 1300, 1700 and 1701].

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 16066, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective January 27, 1989; amended at 13 Ill. Reg. 5936, effective April 18, 1989; emergency amendments at 13 Ill. Reg. 11899, effective July 1, 1989, for a maximum of 150 days; emergency amendments to 56 Ill. Adm. Code 2920.5 and 2920.75, expired November 28, 1989; amended at 13 Ill. Reg. 17402, effective October 30, 1989; amended at 15 Ill. Reg. 180, effective December 28, 1990; amended at 15 Ill. Reg. 11416, effective July 30, 1991; amended at 18 Ill. Reg. 4166, effective March 3, 1994; amended at 21 Ill. Reg. 567, effective January 1, 1997; emergency amendment at 25 Ill. Reg. 10226, effective August 7, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2920.18 Voluntary Withholding For Federal Income Tax

a) Whenever an individual voluntarily elects, pursuant to Section 1300 of the Act [820 ILCS 405/1300], to have monies withheld from his unemployment insurance benefits to cover possible federal income tax liability, the amount of benefits subject to federal income tax withholding is the sum of the individual's weekly benefit amount (WBA), following any of the mandatory deductions from unemployment benefits set forth in subsections (a)(1), (2), and (3), plus any spouse or dependents' allowance payable under the Act. The following are the mandatory deductions:

- 1) disqualifying income, including vacation pay, holiday pay, retirement pay, and workers' compensation, under Section 2920.10;
  - 2) wages for less than full time work payable to him with respect to such week which are in excess of 50% of his weekly benefit amount;
  - 3) one-fifth of the individual's WBA for each day that the individual was unable or unavailable for work as required by Section 402 of the Act.
- b) Whenever an individual has voluntarily elected, pursuant to Section 1300 of the Act, to have monies withheld for federal income tax from his unemployment benefits for a period covered by a benefit check, the Department shall withhold 10+5% of the amount of benefits that are subject to withholding under subsection (a), rounded (if not already a multiple of one dollar) to the nearest dollar. If the product is equally near 2 multiples of one dollar, it shall be rounded to the higher multiple of one dollar. If the individual's benefits for the period, less amounts subject to recoupment under Section 2835.15 and less any involuntary deductions for delinquent child support pursuant to Section 2815.105, are less than 10+5% of the amount of benefits subject to withholding under subsection (a), the entire amount of the benefits remaining shall be withheld.
- 1) Example: The individual's WBA for each of the two weeks covered by the benefit payment is \$251. The individual receives a dependents' allowance of \$81 for each week. The amount of benefits subject to federal income tax withholding for the two

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

week period is the sum of \$332 and \$332, which equals \$664. The Department will deduct for federal income tax withholding 10½% of \$664 which equals \$66.4099-66, which, rounded to the nearest dollar, is \$66.41. Accordingly, the individual will receive \$598.59 in benefits after having \$66.41 deducted for federal income tax withholding.

2) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The individual receives a dependents' allowance of \$42 for each week.

For the first week of the payment period, the individual has \$90 in disqualifying vacation pay, but in the second week the individual does not have any disqualifying vacation pay.

The amount of benefits subject to federal income tax withholding for the first week is \$129 less \$90 in vacation pay, which equals \$39 plus his dependents' allowance of \$42, which totals \$81. Because the individual did not receive any disqualifying vacation pay for the second week of the period, the amount of benefits subject to federal income tax withholding attributable to the second week is \$129 plus his dependents' allowance of \$42, which totals \$171.

The amount of benefits subject to federal income tax withholding for the two week period is the sum of \$81 and \$171, which equals \$252. The Department will deduct for federal income tax withholding 10½% of \$252, which equals \$25.2037-00, which, rounded to the nearest dollar, is \$25.20.

The individual will receive \$227.20 for the period after having \$25.20 deducted for federal income tax withholding.

3) Example: The individual's WBA for each of the two weeks covered by the Department's payment of benefits is \$129. The amount of benefits subject to federal income tax withholding for each week of the two week period is \$129. The amount of benefits subject to federal income tax withholding for the two week period is \$258, the sum of \$129 and \$129.

10½% of \$258 equals \$25.8030-70, which, rounded to the nearest dollar, is \$25.80.

In this example, assume that the individual has elected federal income tax withholding, that the individual is also subject to recoupment for both weeks in an amount up to 25% of his WBA, which amount is \$32.25 for both weeks, and that the individual is subject to a withholding order of \$100 for child support for the first week.

For the first week, the Department will first recoup the entire amount of \$32.25 due for that first week. \$129 minus \$32.25 equals \$96.75. Because the individual does not have sufficient benefits to cover the full amount of child support due for that first week, the Department will deduct \$96.75, the amount of benefits available for that week. The individual's payment for the two week period will not include any benefits with respect to

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

that first week.

For the second week of the payment period, the individual is not subject to a withholding order for child support. Accordingly, the individual is eligible to receive \$96.75 for the second week, the difference between the benefits payable to him for that week (\$129) and the amount recouped (\$32.25). Because the individual has elected federal income tax withholding for the period covered by the payment, the Department will deduct \$26.39 for federal income tax withholding from the individual's benefits and pay the individual the remaining \$70.3577-75.

4) Example: Assume the same situation described in subsection (b)(3), except that the individual's withholding for court ordered child support is \$90 for each week. The amount of benefits subject to federal income tax withholding for the two week period remains \$258. 10½% of \$258 equals \$25.8030-70, which, rounded to the nearest dollar, is \$25.80.

The individual has sufficient benefits for the Department to recoup the maximum amount and to deduct for child support in full for both weeks. If the individual had not elected to withhold federal income tax, the individual would have received a check for \$13.50, the sum of \$6.75 and \$6.75 for that two week period. Because the individual has elected federal income tax withholding for this period and the benefits for the period after recoupment and child support are less than 10½% of the amount subject to withholding, the Department will deduct the entire \$13.50 for federal income tax withholding and not pay the individual any benefits for this period.

c) An individual's election and his revocation of his election to have monies withheld from his benefits for possible federal income tax liability shall be prospective only. Any decision made by the Department as to whether an individual has, under the Act, elected withholding or revoked a withholding election shall constitute a final administrative decision, subject to review under the Administrative Review Law [735 ILCS 5/Art. III].

EXAMPLE: Upon filing an additional claim during his benefit year, an individual elects to have federal income tax withheld from his unemployment benefits. His first benefit check covers the two-week period beginning January 20, 2002-1997, and ending February 2, 2002 February-17-1997. His WBA is \$250, and the amount subject to withholding for the period is \$5075 (10½% of \$500). For each week, he is subject to recoupment of 25% of his WBA and a withholding order of \$100 for child support. Consequently, his benefit check for the two-week period is for \$125-00-00. When he receives his benefit check, he asks to revoke the election, explaining he thought the income tax withholding would be based on a percentage of his WBA after recoupment and child support. While the Department, if he desires, will revoke his election to withhold with respect to a

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PROPOSED AMENDMENTS

period that has not yet ended, it will not retroactively revoke his election with respect to January 20 through February 2, February--1. Elections and revocations can only operate prospectively.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, \_\_\_\_\_)

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions
- 2) Code Citation: 35 Ill. Adm. Code 276
- 3) Section Numbers:

276.102	Proposed Action:
276.103	Amend
276.104	Amend
276.201	Amend
276.203	Amend
276.207	Amend
276.209	Amend
276.402	Repeal
- 4) Statutory Authority: Environmental Protection Act [415 ILCS 5/27], and Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B].
- 5) A Complete Description of the Subjects and Issues Involved: This proposal contains amendments to the vehicle inspection and maintenance regulations to both add to, and modify, current emission testing procedures. Specifically, these proposed amendments add a dilution check for transient loaded mode exhaust testing, and modify on-board diagnostic testing procedures. A public hearing is scheduled to be held to describe the proposed amendments and solicit public comment on September 28, 2001.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment, contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will enable Illinois to help meet federal statutory requirements for enhanced I/M testing as required by the Clean Air Act [42 USC 7401 et seq.]. These rules do not create or enlarge a state mandate as defined in 30 ILCS 805/3(b).
- 11) Time, Place, and Manner in which interested person may comment on this proposed rulemaking: Send written comments concerning this rulemaking within 45 days of this publication in the *Illinois Register* to:

William Seltzer  
Agency Hearing Officer  
Illinois Environmental Protection Agency  
Division of Legal Counsel



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

P.O. Box 19276  
1021 North Grand Avenue, East  
Springfield, Illinois 62794  
(217)782-5544

and  
Christopher P. Demeroukas  
Assistant Counsel  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue, East  
P.O. Box 19276  
Springfield, Illinois 62794  
(217)782-3397

Written comments must be postmarked by October 26, 2001, for inclusion into the hearing record.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: None
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: No additional professional skills are required for compliance.
- 13) Regulatory Agenda on which this Rulemaking was Summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 276

PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE OF INSPECTIONS OF  
MOTOR VEHICLE EMISSIONS

## SUBPART A: GENERAL PROVISIONS

Section  
276.101  
276.102  
276.103  
276.104

Purpose and Applicability  
Definitions  
Abbreviations  
Incorporations by Reference

## SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

Section  
276.201  
276.202  
276.203  
  
276.204  
276.205  
276.206  
276.207  
276.208  
276.209

General Description of Vehicle Emissions Inspection Procedures  
Pollutants to be Tested - Exhaust Test  
Dilution - Steady-State Idle Exhaust Test and Transient Loaded Mode Exhaust Test  
Steady-State Idle Exhaust Emissions Test Procedures  
Evaporative System Integrity Test Procedures  
Engine and Fuel Type Modifications  
Transient Loaded Mode Exhaust Emissions Test Procedures  
On-Road Remote Sensing Test Procedures  
On-Board Diagnostic Test Procedures

SUBPART C: STICKER OR CERTIFICATE ISSUANCE, DISPLAY, AND  
POSSESSION

Section  
276.301  
276.302  
276.303  
276.304  
276.305  
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276.307  
276.308  
276.309  
276.310  
276.311  
276.312

General Requirements  
Determination of Affected Counties  
Emissions Inspection Sticker or Certificate Design and Content  
Initial Emissions Inspection Stickers or Certificates  
Exempt Emissions Inspection Stickers or Certificates  
Renewal Emissions Inspection Stickers or Certificates  
Temporary Emissions Inspection Stickers or Certificates  
Corrected or Interim Emissions Inspection Stickers or Certificates  
Waiver Emissions Inspection Stickers or Certificates  
Emissions Inspection Sticker and Certificate Display and Possession  
Change of Assigned Test Month  
Economic Hardship Extension Stickers or Certificates

## SUBPART D: WAIVER AND ECONOMIC HARSHIP EXTENSION REQUIREMENTS

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

## Section

276.401 Waiver Requirements  
 276.402 Low Emissions Tuneups (Repealed)  
 276.403 Denial or Issuance of Waiver  
 276.404 Economic Hardship Extension Requirements

## SUBPART E: TEST EQUIPMENT SPECIFICATIONS

## Section

276.501 General Requirements  
 276.502 Steady-State Idle Exhaust Test Analysis Systems Functional Requirements  
 276.503 Steady-State Idle Exhaust Test Analysis Systems Performance Criteria  
 276.504 Evaporative System Integrity Test Functional Requirements and Performance Criteria  
 276.505 Transient Loaded Mode Test Systems Functional Requirements  
 276.506 Transient Loaded Mode Test Systems Performance Criteria  
 276.507 On-Road Remote Sensing Test Systems Functional Requirements and Performance Criteria  
 276.508 On-Board Diagnostic Test Systems Functional Requirements and Performance Criteria

## SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

## Section

276.601 Steady-State Idle Test Equipment Maintenance  
 276.602 Steady-State Idle Test Equipment Calibration  
 276.603 Evaporative System Integrity Test Maintenance and Calibration  
 276.604 Record Keeping  
 276.605 Transient Loaded Mode Test Equipment Maintenance and Calibration  
 276.606 On-Road Remote Sensing Test Systems Maintenance and Calibration  
 276.607 On-Board Diagnostic Test Systems Maintenance and Calibration

## SUBPART G: FLEET SELF-TESTING REQUIREMENTS

## Section

276.701 General Requirements  
 276.702 Fleet Inspection Permit  
 276.703 Fleet Inspection Permittee Operating Requirements  
 276.704 Private Official Inspection Station Auditing and Surveillance  
 276.705 Fleet Vehicle Inspection Procedures (Renumbered)

## SUBPART H: GRIEVANCE PROCEDURE

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276.801 General Requirements  
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 276.803 Agency Investigation

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

276.804 Review of Agency's Determination

## SUBPART I: NOTICES

## Section

276.901 General Requirements  
 276.902 Initial Emissions Inspection Notice  
 276.903 Warning Notice  
 276.904 Second Warning Notice (Repealed)

## SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

## Section

276.1001 Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection  
 276.1002 Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County

## TABLE A

Transient Driving Cycle

## TABLE B

Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) Measurements

AUTHORITY: Implementing and authorized by the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B].

SOURCE: Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 20 Ill. Reg. 8456, effective June 14, 1996; amended at 22 Ill. Reg. 18867, effective September 28, 1998; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; "INT" means the integral symbol as used in mathematics; and "SUM" means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 276.102 Definitions

- a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5] and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B].
- b) The following definitions apply to this Part:

"Accuracy" means the combination of bias and precision errors, technically defined as uncertainty, that quantifies the

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PROPOSED AMENDMENTS

differences between a measured and true value.

"Adjusted loaded vehicle weight (ALVW)" means the vehicle curb weight plus the gross vehicle weight rating divided by two.

"Affected county" means any county or portion thereof, as defined in Section 13B-5 of the Vehicle Emissions Inspection Law of 1995.

"Assigned test month" means the month and year allocated by the Agency for testing a vehicle. The first day of the Assigned Test Month shall be 4 months prior to the sticker or certificate Expiration Date.

"Calibration gas" means a gas of known concentration used to establish the response curve of the exhaust gas analyzer.

"Corrected or interim emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.308 of this Part that contains a reassigned vehicle test month issued to the owner(s) of a vehicle subject to emissions inspection who has petitioned the Agency for a change in Assigned Test Month, and whose vehicle has previously been issued an Initial Emissions Inspection Sticker or Certificate with an Assigned Test Month.

"Diagnostic trouble code (DTC)" means an alphanumeric code that is set in a vehicle's onboard computer when a monitor detects a condition likely to indicate the existence of an emission related malfunction of the vehicle.

"Drift" means the amount of change in analyzer reading over a period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Economic hardship extension" means a time extension of one year that may be granted to the owner(s) of a vehicle in order for the owner(s) to comply with the requirements of the Vehicle Emissions Inspection Law of 1995.

"Emission control devices" means those components of a vehicle which were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Equivalent test weight" means the loaded vehicle weight for light duty vehicles and light duty trucks 1, and the adjusted

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loaded vehicle weight for light duty trucks 2 and heavy duty trucks.

"Evaporative system integrity test" means a test of the fuel cap portion of a vehicle's evaporative system, which consists of either a fuel cap leak flow test, a fuel cap pressure decay test, or a fuel cap visual functional test, as applicable.

"Exempt emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.305 of this Part to the owner(s) of a vehicle registered in an Affected County which is exempt from emissions inspection pursuant to Section 13B-15(f) or 13B-15(g) of the Vehicle Emissions Inspection Law of 1995, and the requirements of this Part.

"Exhaust gas analyzer" means a device that has the capability to identify unknown concentrations of particular constituents in motor vehicle exhaust gases by comparison with known concentrations of analytical gases.

"Expiration date" means the deadline for having a vehicle inspected and obtaining the appropriate sticker or certificate.

"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

"Fleet inventory" means those vehicles which have been registered with the Agency for the purpose of fleet self-testing and which have been assigned a test month.

"Fleet vehicle" means any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester (fuel cap tester)" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel

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cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a 10 second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"HC hangup" means hydrocarbons which cling to the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"Heavy duty vehicle (HDV)" means a motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of  $2500 \pm 300$  RPM.

"Household income" means the gross income of all household members, except wage or salary income earned by dependent minors under 18 years of age. A head of household and his or her spouse are not considered as minors. Gross income includes wages, interest, annuities, pensions, social security, retirement, disability, public aid, alimony, child support, unemployment benefits, workers' compensation, and any other indirect income such as utility allowances.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.304 of this Part to the owner(s) of a vehicle that has not been

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tested because such vehicle was not previously subject to inspection, but has become subject to inspection in accordance with the Vehicle Emissions Inspection Law of 1995.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Interference" means those exhaust gas analyzer read-out errors caused by instrument response to non-interest gases typically occurring in vehicle exhaust.

"Light duty truck 1 (LDT1)" means a motor vehicle rated at 6,000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2 (LDT2)" means a motor vehicle rated between 6,001 and 8,500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded vehicle weight" means the vehicle curb weight plus 300 pounds.

"Low income" means the household income during the preceding 12 month period was not more than 150 percent of the latest available poverty guidelines established by the U.S. Department of Health and Human Services for the contiguous United States and the District of Columbia.

"Malfunction indicator light (MIL)" means the light found on the dashboard of OBD-equipped vehicles that is required to be illuminated when the OBD system detects malfunctions likely to result in emissions exceeding applicable emission standards. The MIL must display the phrase "Check Engine" or "Service Engine



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Soon". The word "Powertrain" may be substituted for "Engine". Alternatively, the ISO engine symbol may be substituted.

"National Institute of Standards and Technology (NIST) gas" means a standard gas maintained or made available by the National Institute of Standards and Technology for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law of 1995.

"Non-fleet vehicle" means any non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"On-board diagnostic data link connector (DLC)" means the interface between a vehicle's OBD system and the OBD scan equipment.

"On-board diagnostic readiness code" means a status flag stored by a vehicle's onboard computer that indicates whether a given monitor has been run (i.e., whether the component or system in question has been checked to determine if it is functioning properly).

"On-board diagnostic (OBD) system" means equipment designed to monitor the performance of emission control equipment, fuel metering systems, ignition systems and other equipment and operating parameters for the purpose of detecting malfunctions or deterioration in performance that would be expected to cause the vehicle to exceed federal emission standards.

"On-board diagnostic test" means the electronic retrieval and MIL illumination status from a vehicle's in-the OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate the existence of an emission related malfunction with the vehicle.

"On-road remote sensing test" means the observation, measurement, and recording of vehicle exhaust emission concentrations of

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hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) present in each in-use vehicle while traveling on roadways or in specified areas by equipment that is not connected to the vehicle.

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

"Private official inspection station" means a vehicle emission inspection facility operated by a registered owner or lessee of 15 or more non-exempt fleet vehicles.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Renewal emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.306 of this Part to an owner of a vehicle which successfully passes a vehicle emissions test in accordance with the provisions of this Part.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span gas" means a gas of known concentrations which is used to check or adjust the analyzer response characteristics to those determined by the calibration gases.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Temporary emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.307 of this Part to an owner of a vehicle subject to inspection which currently has a valid initial or renewal emission inspection sticker or certificate, and which has met the requirements of this Part.

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"Test cycle" means the two-year period between a vehicle's Assigned Test Months.

"Vehicle curb weight" means the actual vehicle weight plus standard equipment and a full fuel tank.

"Vehicle inspection report" means a report issued to the motorist indicating the results of an emission inspection or waiver determination.

"Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects which would prevent the fuel cap from operating properly.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with exhaust emission standards after two or more attempts to do so, as provided for in this Part.

"Waiver emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.309 of this Part to the owner(s) of a vehicle which has failed a vehicle emissions test and at least one retest, but successfully complies with the applicable waiver requirements of this Part.

"Waiver inspection" means an inspection conducted by a waiver inspector to determine waiver eligibility.

"Waiver inspector" means a person authorized by the Agency to conduct waiver inspections and to approve or disapprove applications for a waiver.

"Waiver inspection report" means a form containing waiver eligibility requirements which is completed by a waiver inspector to determine whether a vehicle is eligible for a waiver.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 276.103 Abbreviations

Abbreviations used in this Part include the following:

ALVW	adjusted loaded vehicle weight
cc/min	cubic centimeters per minute
CO	carbon monoxide
CO[2]	carbon dioxide
CFV	critical flow venturi
CVS	constant volume sampler

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DLC	data link connector
DTC	diagnostic trouble code
gpm	grams per mile
GWWR	gross vehicle weight rating
HC	hydrocarbons, as hexane
HDV	heavy duty vehicle
hr	hour
I/M	inspection and maintenance
kW	kilowatt
LDT1	light duty truck 1
LDT2	light duty truck 2
LDV	light duty vehicle
LWV	loaded vehicle weight
mi	mile, miles
MIL	malfunction indicator light
NDIR	non-dispersive infrared
NIST	National Institute for Standards and Technology
NO	nitrogen oxide
NO[x]	oxides of nitrogen
NO[2]	nitrogen dioxide
ONB	on-board diagnostics
ppm	parts per million by volume
ppmC	parts per million, carbon
psi	pounds per square inch
RPM	revolutions per minute
SDM	source detector module
SE	standard error of estimate
SSV	subsonic venturi

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 276.104 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) United States Environmental Protection Agency (USEPA), "IM240 and Evaporative Test Guidance: 1998 Revised Technical Guidance," Report EPA-AA-RSPD-IM-98-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (March 1998).

NOTE: Sections of this Guidance are referenced as though they are sections of 40 CFR 85.

- b) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (June 1996).

NOTE: Sections of this Guidance are referenced as though they are

sections of 40 CFR 85.  
c) 40 CFR 85.2222, 85.2223, and 85.2231 (July 1, 2001 63-PR 24429,--24433-24434--(May-28--1990)).  
d) 40 CFR 51.353(c), 51.358(b) and Appendix D to Subpart S and--51-958te7 (July 1, 2001 1997).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

**Section 276.201 General Description of Vehicle Emissions Inspection Procedures**  
Compliance with vehicle exhaust, evaporative emissions, on-board diagnostics, and on-road sensing standards shall be determined by use of test procedures and other requirements as applicable as set forth in this Part, and shall be performed to the extent practicable.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 276.203 Dilution - Steady-State Idle Exhaust Test and Transient Loaded Mode Exhaust Test**

a) **Steady-State Idle Exhaust Test**  
To prevent excess dilution in a steady-state idle exhaust emissions test described in Section 276.204, the sample probe shall be inserted a minimum of 10 inches into the vehicle's tailpipe. Extension boots shall be utilized if it is impossible to insert the sample probe at least 10 inches into the tailpipe. A vehicle emission test shall be invalid if the applicable emission standards contained in 35 Ill. Adm. Code 240 are met but the sum of the CO and CO[2] concentrations in the exhaust gas does not exceed 6 percent during the sample averaging period(s).

b) **Transient Loaded Mode Exhaust Test**  
To prevent excess dilution in a transient loaded mode exhaust emissions test described in Section 276.207, the exhaust collection system shall be positioned to insure complete capture of the entire exhaust stream from the tailpipe during the transient driving cycle. The test system shall verify that the entire exhaust stream is being collected through continuous monitoring of exhaust CO[2] generated during the transient driving cycle and comparison with theoretical levels of exhaust CO[2] produced by the vehicle being tested. A vehicle emission test shall be invalid if the measured values fall below expected values during the transient driving cycle. At a minimum, the emission test shall be invalid if five consecutive one-second average CO[2] values fall below 0.085 percent during seconds 5 through 220 of the transient driving cycle.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 276.207 Transient Loaded Mode Exhaust Emissions Test Procedures**

a) **General Requirements**  
1) The test shall consist of up to 240 seconds of mass emission measurement using a constant volume sampler while the vehicle is driven through a computer-monitored driving cycle on a dynamometer with inertia weight settings appropriate for the weight of the vehicle. The driving cycle shall include acceleration, deceleration, and idle operating modes as specified in subsection (e)(1) of this Section. The 240-second sequence may be ended earlier using fast pass algorithms.  
2) The emission standards and dynamometer inertia and power absorption settings shall be automatically selected for the vehicle being tested based upon the identification and validation of the following, as needed:

- A) Vehicle type: LDV, LDT1, LDT2, and others as needed;
- B) GVWR;
- C) Chassis model year;
- D) Make;
- E) Model;
- F) Number of cylinders;
- G) Transmission type;
- H) LVW or ALVW; and
- I) Engine displacement.

Alternative computerized methods of selecting dynamometer test conditions, such as VIN decoding, may be used.

3) The ambient temperature, absolute humidity, and barometric pressure shall be recorded continuously during the transient test, or as a single set of readings if taken less than 4 minutes prior to the transient driving cycle.  
4) If the vehicle is shut off, the vehicle shall be restarted as soon as possible before the test and shall be running for at least 30 seconds prior to the transient driving cycle begins.  
5) If a vehicle stalls during a transient test, the test shall be aborted and restarted. If after 3 attempts the test cannot be completed, the vehicle shall be rejected.

b) **Pre-inspection and Preparation**  
1) Initial tests (i.e., those occurring for the first time in a vehicle's scheduled test cycle) shall be performed without repair or adjustment at the inspection facility prior to the test.  
2) A test, once initiated, shall be performed in its entirety regardless of intermediate outcomes, except in the case of invalid test conditions or unsafe conditions.  
3) Tests involving measurement shall be performed with Agency-approved equipment that is operated in accordance with the



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procedures contained in 40 CFR 85.2234 (Draft), incorporated by reference in Section 276.104(a) of this Part.

- 4) All accessories (air conditioning, heat, defogger, radio, automatic traction control if switchable, etc.) shall be turned off (if necessary, by the inspector).
- 5) The vehicle shall be inspected for exhaust leaks. Audio assessment while blocking exhaust flow or gas measurement of CO[2] or other gases shall be acceptable. Vehicles with leaking exhaust systems shall be rejected from testing.
- 6) Vehicles with missing tailpipe sections that prohibit placement of the exhaust collection system to capture the entire exhaust stream shall be rejected from testing.
- 7) The vehicle temperature gauge, if equipped and operating, shall be checked to assess temperature. If the temperature gauge indicates that the engine is well below normal operating temperature, the vehicle shall receive a second-chance emission test if it fails the initial test for HC or CO. Vehicles in overheated condition shall be rejected from testing.
- 8) Vehicles shall be rejected from testing if drive axle tires:
  - A) exhibit visible cords, belts, bubbles, cuts, or other damage, or
  - B) are space-saver spare tires, or
  - C) are not reasonably sized tires.
- 9) Vehicles' drive axle tires shall be inspected for proper inflation. If one or more of these tires appears low, it shall be inflated to approximately 30 psi, or to tire sidewall pressure, or manufacturer's recommendation.

- 10) Drive axle tires of vehicles subject to additional testing for the purpose of program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall have their tires inflated to tire sidewall pressure.

- 11) Background concentrations of HC, CO, NO[x], and CO[2] shall be sampled as specified in 40 CFR 85.2226(b)(2)(iv) (Draft), incorporated by reference in Section 276.104(a) of this Part, to determine background concentration of dilution air. The sample shall be taken for a minimum of 15 seconds within 120 seconds after the start of the transient driving cycle, using the same analyzers used to measure tailpipe emissions. Average readings over the 15 seconds for each gas shall be recorded in the test record. Testing shall be prevented until the average ambient background levels are less than 20 ppmC HC, 35 ppm CO, and 2 ppm NO[x] (when applicable), or outside ambient air levels (not influenced by station exhaust), whichever are greater.

- 12) While a lane is in operation, the CVS shall continuously purge the CVS hose between tests. The blower may be turned off if the CVS is not in operation, but the system shall be purged for 2 minutes prior to the start of a test if the blower has been turned off. The off time shall be computer monitored and

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recorded to a history file for quality assurance.

- c) Equipment Positioning and Settings  
Vehicle positioning and settings shall be conducted according to the method specified in 40 CFR 85.2221(c) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) the cooling fan need only be activated when the ambient temperature exceeds 72°F;
- 2) the parking brake should only be activated on front wheel drive vehicles when possible; and
- 3) the hood will not be opened for cooling purposes.

- d) Vehicle Conditioning

- 1) Queuing Time

When the measured wait time exceeds 20 minutes, the vehicle shall receive a second-chance emission test if the following conditions apply:

- A) fails the test; and
- B) measured values for HC, CO, and NO[x] (if applicable) are at or below 1.5 times the applicable standards of 35 Ill. Adm. Code 240.

- 2) Program Evaluation

Vehicles selected for additional testing for the purpose of program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall receive two full transient emission tests of 240 seconds each. Results from both tests and the test order shall be separately recorded in the test record. Emission results shall be provided to the motorist according to the following criteria:

- A) If the vehicle passes both tests, then the first test result shall be provided.
- B) If the vehicle passes one test and fails the other test, then the test results from the passing test shall be provided.
- C) If the vehicle fails both tests, then the test results from the second test shall be provided.

- e) Vehicle Emission Test Sequence

- 1) Transient Driving Cycle  
The vehicle shall be driven over the driving cycle contained in Section 276.104(a) of this Part.

- 2) Driving Trace

The inspector shall follow an electronic, visual depiction of the time/speed relationship of the transient driving cycle (hereinafter, the trace). The visual depiction of the trace shall be of sufficient magnification and adequate detail to allow accurate tracking by the driver and shall permit the driver to anticipate upcoming speed changes. The trace shall also clearly indicate gear shifts as specified in subsection (e)(3) of this Section.



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## 3) Shift Schedule

For vehicles with manual transmissions, inspectors shall shift gears according to the following shift schedule:

Shift Sequence Gear	Approximate Speed Miles Per Hour	Nominal Cycle Time Seconds
1-2	15	9.3
2-3	25	47.0
De-clutch	15	87.9
1-2	15	101.6
2-3	25	105.5
3-2	17	119.0
2-3	25	145.8
3-4	40	163.6
4-5	45	167.0
5-6	50	180.0
De-clutch	15	234.5

Gear shifts shall occur at the points in the driving cycle where the specified speeds are obtained. For vehicles with fewer than 6 forward gears, the same schedule shall be followed with shifts above the highest gear disregarded.

## 4) Speed excursion limits shall apply as follows:

- The upper limit is 2 mph higher than the highest point on the trace within 1 second of the given time.
- The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time.
- Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided that they occur for no more than 2 seconds on any occasion.
- Speeds lower than those prescribed during the underpowered intervals of seconds 4 through 18, 97 through 115, and 154 through 219 of the trace will allow the station supervisory personnel the option of overriding the automatic void of the test. As part of the override, the station supervisory personnel will be required to witness a second trace. **Speeds lower than those prescribed during accelerations are acceptable provided the vehicle is operating at a maximum available power during such accelerations until the vehicle speed is within the excursion limits.**

- During the station supervisory personnel's witness of the second or subsequent trace, the test will be aborted if a speed variation exists for more than two seconds on any occasion outside the underpowered intervals. If this condition is detected, the test shall be stopped, and may be restarted, or aborted and

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## rejected.

- If a speed lower than those prescribed during the underpowered intervals is detected, the vehicle will have the opportunity to regain the test trace speed. Once the test trace speed is attained, the vehicle will be required to meet the speed excursion limitations for the entirety of the trace, outside the underpowered intervals.

- Station supervisory personnel overrides can be used to accept the results of the witnessed second or subsequent trace(s) if the override is flagged with a trace statistic or distance error so long as it meets the requirements specified in subsections (e)(4)(D)(i) and (e)(4)(D)(ii).

- Exceedences of the limits in subsections (e)(4)(A) through (e)(4)(F) of this Section shall automatically result in a void test. Station supervisory personnel can override the automatic void of a test if it is determined that the conditions specified in subsection (e)(4)(B) of this Section occurred. These conditions shall be verified by repeating seconds 0 through 16 of the transient driving cycle as specified in subsection (e) of this Section.

- The test shall be aborted and immediately restarted if speed excursion limits are exceeded, except as described in subsection (e)(4)(D) of this Section.

## 5) Speed Variation Limits

The speed variation limits shall be determined by one of the following methods:

## A) Linear Regression Method

- A linear regression of feedback value on reference value shall be performed on each transient driving cycle for each speed using the method of least squares, with the best fit equation having the form:  $y = mx + b$ , where:

$y$  = The feedback (actual) value of speed

$m$  = The slope of the regression line

$x$  = The reference value

$b$  = The y-intercept of the regression line

- The SE of  $y$  on  $x$  shall be calculated for each regression line. A transient driving cycle lasting the full 240 seconds that exceeds the following criteria shall be void and the test shall be repeated:

SE = 2.0 mph maximum

$m = 0.96 - 1.01$

$r(2) = 0.97$  minimum

$b = 2.0$  mph

- A transient driving cycle that ends before the full 240 seconds that exceeds the following criteria shall

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be void and the test shall be repeated:

- SE = (Reserved)
- m = (Reserved)
- r(2) = (Reserved)
- b = (Reserved)

B) Positive Kinetic Energy (PKE) Method

- i) The speed variation limits shall be determined by the following equation for Positive Kinetic Energy (PKE):

$$PKE = \sum_{t=0}^N \frac{PP[t]}{INT} \times dx$$

where:  $PP[t] = V(2)[t] - V(2)[t-1]$   
 $mi(2)/hr(2)$  for  $V[t] > V[t-1]$   
 $PP[t] = 0$  for  $V[t] \leq 0$   
 $x$  = distance (miles)  
 $PP[t]$  = Positive Specific Power at time  $t$   
 $V[t]$  = Velocity at time  $t$   
 $V[t-1]$  = Velocity at time  $t-1$

- ii) A transient driving cycle lasting the full 240 seconds with a PKE value that is below the lower PKE limit for passing vehicles or above the upper limit for failing vehicles shall be void and the test shall be repeated:  
Upper Limit:  $PKE > 3456$  mi/hr(2)  
Lower Limit:  $PKE < 3082$  mi/hr(2)
- iii) A transient driving cycle that ends before the full 240 seconds with a PKE value that is below the lower second-by-second PKE limit for passing vehicles or above the upper second-by-second PKE limit for failing vehicles shall be void and the test shall be repeated. The second-by-second upper and lower PKE limits are specified in Section 276.506(a).
- iv) PKE values shall not be used to make early pass/fail determination.

- 6) The actual distance traveled for the transient driving cycle shall be measured. If the absolute difference between the measured distance and the theoretical distance for the actual test exceeds 0.05 miles, the test shall be void and shall be repeated.

- 7) The vehicle shall be rejected if, during the course of the transient loaded mode test, station supervisory personnel verify that the test cannot be completed due to the mechanical condition of the vehicle.

8) Inertia Weight Selection

Operation of the inertia weight selected for the vehicle shall be verified as specified in Section 276.506(a) of this Part. For

systems employing electrical inertia simulation, an algorithm identifying the actual inertia force applied during the transient driving cycle shall be used to determine proper inertia simulation.

- 9) The CVS operation shall be verified for each test for a CFV-type CVS by measuring either the absolute pressure difference across the venturi or measuring the blower vacuum behind the venturi for minimum levels needed to maintain choke flow for the venturi design. The operation of an SSV-type CVS shall be verified throughout the test by monitoring the difference in pressure between upstream and throat pressure. The minimum values shall be determined from system calibrations. Monitored pressure differences below the minimum values shall void the test, and a test lane system lockout shall be initiated. No further testing shall be done until the problem is corrected by station supervisory personnel. At Official Inspection Stations, the vehicle involved shall be immediately retested in a properly operating lane.

10) Fuel-Economy

For each test, the quality of the overall analysis system shall be evaluated by checking a test vehicle's fuel economy for reasonableness relative to upper and lower limits representing the range of fuel economy values normally encountered for the test. Inertia and horsepower selected for each inertia selection, the upper fuel economy limit shall be determined using the lowest horsepower setting typically selected for the inertia weight along with statistical data test experience and engineering judgment. A similar process for the lower fuel economy limit shall be used with the highest horsepower setting typically selected for the inertia weight. For test inertia selections where the range of horsepower settings is greater than 5-horsepower, at least two sets of upper and lower fuel economy limits shall be determined and appropriately used for the selected test inertia. Tests with fuel economy results in excess of 1.5 times the upper limit shall result in a void test.

11) System Lockout

If a void occurs as described in subsections (e)(6) or (e)(9) or (e)(10) of this Section, then a test lane system lockout shall be initiated. No further testing shall be done until the problem is corrected by station supervisory personnel. At Official Inspection Stations, the vehicle involved shall be immediately retested in a properly operating lane.

- f) Transient Loaded Mode Exhaust Gas Test Score Calculations  
The transient loaded mode exhaust gas test score shall be determined according to the method specified in 40 CFR 85.2205(b) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:
  - 1) The Phase 2 scores for the test shall be determined by dividing

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the sum of the mass of each pollutant obtained in each second of the Phase 2 test by the number of miles driven in the Phase 2 test. The first data point is the sample taken from t=94 to t=95. The Phase 2 test score shall be determined by the following equation:

$$\text{Phase 2 gpm} = \frac{S}{t=94}$$
$$\frac{\text{SUM grams of emissions}}{S}$$
$$\frac{\text{SUM miles traveled}}{t=94}$$

Where s = duration of test in seconds for fast pass, or s = 239 seconds for complete transient loaded mode exhaust gas test.

- 2) NO[xe] = Nitrogen oxide concentration of the dilute exhaust sample as measured in ppm and multiplied by 1.03.
- 3) NO[xd] = Background nitrogen oxide concentration of the dilution air, sampled as described in 40 CFR 85.2221(b)(5) (Draft), incorporated by reference in Section 276.104(a) of this Part, as measured in ppm and multiplied by 1.03.

- g) Pass/Fail Determination
- Compliance with the transient loaded mode exhaust emission test shall be made in accordance with the standards contained in 35 Ill. Adm. Code 240, Subpart E.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 276.209 On-Board Diagnostic Test Procedures

- a) Test Procedures
- The OBD test procedure shall be conducted according to the method specified in 40 CFR 85.2222(a), (b), and (c), incorporated by reference in Section 276.104(c) of this Part. However, once initiated, the OBD test shall be conducted as completely as possible, regardless of intermediate reject or fail results.
- b) Pass/Fail Determination
- The pass/fail determination for OBD testing shall be conducted according to the method specified in 40 CFR 85.2222(d), incorporated by reference in Section 276.104(c) of this Part.
- c) Reject Determination OBD-Test-Report
- The reject determination for OBD testing shall be conducted according to the method specified in 40 CFR 85.2222(c) with the following modifications, according to which a vehicle shall be rejected from testing: the OBD-Test-Report shall be prepared according to the method specified in 40 CFR 85.2223, incorporated by reference in Section

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276.104(c) of this Part, with the exception that the following statement shall be added to the report for all OBD tests conducted prior to January 1, 2001:

"At the present time, passing the OBD test is not a requirement for passing the Enhanced I/M test. Therefore, this information is being provided strictly as an aid in diagnosing emission-related problems."

- 1) the vehicle is presented for testing, passes the OBD inspection, but the number of unset non-continuous readiness codes exceeds the following:
- A) 2 monitors "not ready" for MY 1996 to MY 2000 vehicles, and
- B) 1 monitor "not ready" for MY 2001 and newer vehicles, or
- 2) the vehicle is presented for retesting after an OBD failure involving catalytic converter DTCs P0420 through P0439, and the catalyst monitor is "not ready" at the time of retest.

- d) OBD Test Report
- The OBD test report shall be prepared according to the method specified in 40 CFR 85.2223, incorporated by reference in Section 276.104(c) of this Part, with the exception that the following statement shall be added to the report for all OBD tests conducted prior to January 1, 2002 (or 2003, in accordance with 35 Ill. Adm. Code 240.191):

"At the present time, passing the OBD test is not a requirement for passing the Enhanced I/M test. Therefore, this information is being provided strictly as an aid in diagnosing emission-related problems."

AGENCY NOTE: No vehicle shall fail the I/M test on the basis of the OBD test until January 1, 2002 or 2003, in accordance with 35 Ill. Adm. Code 240.191 2001.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: WAIVER AND ECONOMIC HARDSHIP EXTENSION REQUIREMENTS

Section 276.402 Low Emissions Tuneups (Repealed)

- a) Minimum Requirements
- 1) All low emissions tuneups shall include inspection of the following vehicle components or systems:
- A) air-cleaner elements;
- B) air-oil-intake restrictions;
- C) choke mechanism;
- D) idle speed, ignition dwell, and timing;
- E) air-fuel mixture;
- F) sensors and vacuum hoses;



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- 6) positive-crankcase-ventilation-(PCV)-system;  
 H) exhaust-gas-recirculation-(EGR)-system;  
 I) spark-plugs-and-spark-plug-wires;  
 J) electronic-fuel-metering-and-feedback-control-system;-and  
 K) air-pump.  
 2) Any-of-the-above-components-or-systems-which-are-found-to-be operating-improperly-shall-be-adjusted,-repaired,-or-replaced-as appropriate.  
 3) A-low-emissions-tuneup-shall-not-require-a-major-engine-overhaul, including-all-repairs-which-require-access-to-the-combustion chamber-(except-for-spark-plug-or-fuel-injection-equipment replacement-as-applicable).  
 b) Proof-of-Low-Emissions-Tuneups  
 Proof-of-low-emissions-tuneups-necessary-to-satisfy-the-requirements in-Section-376-401(b)-shall-consist-of-the-following:  
 1) a-repair-order-or-receipts-provided-by-the-person-performing the-repairs,-the-date-of-the-repairs,-an-itemization-of-all diagnoses,-repairs,-adjustments,-and-part-replacements,-a statement-of-cost,-and-the-signature-of-the-person-who-performed the-repairs;  
 2) if-necessary,-a-visual-inspection-of-the-vehicle-to-determine-if the-repairs-have-actually-been-performed,-and  
 3) all-information-requested-on-the-reverse-side-of-the-Vehicle Inspection-Report-must-be-completed.

(Source: Repealed at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) Heading of the Part: Definitions  
 2) Code Citation: 11 Ill. Adm. Code 210  
 3) Section Numbers: Proposed Action:  
 210.10 Amendment  
 4) Statutory Authority: 230 ILCS 5/9(b)  
 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates definitions pertaining to the changes proposed in Part 603.  
 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
 No  
 7) Does this rulemaking contain an automatic repeal date? No  
 8) Does this rulemaking contain incorporations by reference? No  
 9) Are there any other proposed rulemakings pending on this Part? No  
 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.  
 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  

Mickey Ezzo  
 Illinois Racing Board  
 100 West Randolph, Suite 11-100  
 Chicago, Illinois 60601  
 (312) 814-5017

 12) Initial Regulatory Flexibility Analysis:  

A) Types of small businesses, small municipalities and not for profit corporations affected: None  
 B) Reporting, bookkeeping or other procedures required for compliance: None  
 C) Types of professional skills necessary for compliance: None

 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Board did not anticipate amending Part 210.



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The full text of the Proposed Amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER a: GENERAL RULES

PART 210  
DEFINITIONS

Section  
210.10 Definitions

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 18 Ill. Reg. 2072, effective January 21, 1994; amended at 18 Ill. Reg. 17732, effective November 28, 1994; amended at 19 Ill. Reg. 13891, effective October 1, 1995; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 210.10 Definitions

"Act" - The Illinois Horse Racing Act of 1975.

"Added Money" - The money added by a racing association to the various fees paid by the owners of the horses nominated to, entered in and/or starting in a race.

"Added Money Early Closing Event" - A harness race closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

"Advanced Wagering" - Any wagering on a race or races to be conducted during a racing program before the next scheduled race.

"Age" - The age of a horse shall be reckoned from the first day of January of the year of foaling except: for foals born in November and December of any year, age shall be reckoned from January 1 of the succeeding year.

"Allowance" - Weights and other conditions of a race.

"Allowance Race" - A race, other than a claiming race, for which certain conditions of eligibility are established.

"Also Eligible" - A horse which has been entered in a race but is not permitted to start unless the number of entrants is reduced by scratches.

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"Appeal" - A request for the Board to investigate, consider or review any decisions or rulings of the officials of a meeting or the decision of the Board itself.

"Applicant" - A person who applies for an organization or occupation license in a specified category or categories.

"Approximate odds" - The probable ratio of the pay-out price to a \$1 wager in the win pool in a pari-mutuel system.

"Arrears" - All monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Association" - A person or business entity holding a license from the Board to conduct racing with pari-mutuel wagering.

"Association Grounds" - All areas used by a racing association in conducting a race meeting.

"Authorized Agent" - A person appointed by an owner or trainer in accordance with Board Rules, the appointment to be designated in a document signed by the owner or trainer, approved by the stewards, executed annually and filed with the Illinois Racing Board.

"Battery" - Any battery, buzzer, electrical, or mechanical device or other appliance, except for the ordinary whip, which can be used to stimulate or depress a horse or affect its speed in a race or workout.

"Beneficial Interest" - Profit, benefit or advantage resulting from a contract or an ownership interest in an estate as distinct from legal title or ownership, i.e., an interest as a devisee, legatee or donee solely for his own use or benefit and not as holder of title for use and benefit of another.

"Betting interest" - Horse, entry or field.

"Bleeder" - A horse that is examined by an official veterinarian following a race or workout and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

~~"Breeder-Bist" - A tabulation of all bleeders to be maintained by the Board.~~

"Board" - Illinois Racing Board.

"Bookmaker" - A person who accepts wagers on racers other than through a pari-mutuel machine.

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"Breakage" - The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10¢.

"Breeder" - (Harness) The owner of a horse's dam at the time of breeding; (Thoroughbred) The owner of the horse's dam at the time of foaling.

"Canceled Ticket" - A ticket which represents a wager which has been canceled and withdrawn from the pari-mutuel pools.

"Carryover" - The total amount of non-distributed pool money in a pool which is retained and added to a corresponding pool in accordance with these rules.

"Cash Ticket" - Any pari-mutuel ticket which is refunded or which is presented for payment of a winning wager and is paid.

"Cashier Accounting" - The record of teller activity by transaction and time of transaction.

"Central Processing Unit" - The main computer which controls and stores both programs and data.

"Civil Penalty" - A penalty imposed on a licensee for a violation of Board rules or the Act.

"Claim" - The act of an eligible owner requesting the stewards to order the sale of a horse in a claiming race to him/her for a predetermined amount; To request a weight allowance; To file a claim in a claiming race; To acquire a horse by claiming.

"Claimant" - A person or racing interest meeting one of the three criteria for claiming eligibility.

"Claim Form" - The form upon which an eligible owner agrees to purchase a horse from a claiming race.

"Claiming Price" - The predetermined price at which a horse in a claiming race must be sold if it is claimed.

"Claiming Race" - A race in which any horse starting may be purchased for a predetermined amount in conformance with the Rules and Regulations.

"Colt" - (Harness) An uncastrated horse under four years of age; (Thoroughbred) An uncastrated horse under five years of age.

"Computer Log Library" - A record of all operator initiated actions of

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the transaction processor.

"Concessionaire" - An individual, firm, partnership, corporation, trustee or legal representative licensed to operate as a concessionaire to sell or provide food, beverages, programs, tip sheets or parking to the public at a race track in Illinois.

"Condition Book" - A booklet published by a thoroughbred racing association which sets out the conditions, purses and descriptions of future races. (Synonym: Condition Sheet)

"Conditioned Race" - An overnight event to which entry eligibility is governed by previously specified qualifications.

"Condition Sheet" - A listing, written by the Racing Secretary, with the conditions a horse must meet in order to enter a particular race.

"Conditions" - Qualifications that determine a horse's eligibility to be entered in a particular race.

"Confirmed Test" - A second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen.

"Console" - The totalizer status monitor which displays current race pool status information.

"Contest" - A competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" - An individual participant in a contest.

"Controlled Substance" - Any substance listed in 21 USC 8-8-6- 812 (2) B-5-6-012 ~~does not include any inter-amendments or editions~~.

"Coupled Entry" - Two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (Also see "Entry")

"Dam" - The female parent.

"Day" - A 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

"Dead Heat" - A race in which two or more horses cross the finish line in a tie.

"Declaration" - (Harness) The process of entering a horse in a particular race. (Thoroughbred) The withdrawal of a horse entered for

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a race after the closing of entries. (Synonym: scratch)

"Decoder" - A device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

"Disqualification" - The act of barring a person from acting as an official or from starting or driving a horse in a race. In the case of a horse, the act of barring it from starting or altering its finishing position for betting and purse purposes.

"Disqualify" - To place a horse in a lower position, in the official order of finish in a race, than it actually finished due to an infraction of the rules.

"Downlink" - A receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from an organization licensee or track outside Illinois, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the inter-track wagering facility.

"Early Closing Race" - A harness race to which entries close at least six weeks preceding the race.

"Eligible to Race" - Refers to a horse whose trainer: has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

"Encryption" - The scrambling or other manipulations of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without a decoder.

"Entry" - A horse that has been entered for a race; Two or more horses, owned by the same stable, or by husband and wife, or trained by the same trainer, that are coupled for the purpose of pari-mutuel betting as one betting interest.

"Equipment" - The items worn by or attached to a horse in a race.

"Exclusion" - The act of barring from all or part of association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Exhibition Race" - A race on which no wagering is permitted.

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"Expired Ticket" - An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" - A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

"Field" - All the horses that compete in a race; A number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" - (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" - A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" - A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foreign Substance" - All substances except those which exist naturally in the untreated horse of normal physiological concentrations or substances, or metabolites thereof which are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents, or pharmaceutical aids.

"Foul" - An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" - An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Forfeit" - Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Furosemide List" - A tabulation maintained by the Board of all horses approved to race with furosemide.

"Futurity" - (Harness) A stakes race in which the dam of the competing

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animal is nominated either when in foal or during the year of foaling, (Thoroughbred) A stakes race, for horses not older than three years of age, in which nominations are made before the horse becomes a three-year old.

"Gelding" - A castrated horse.

"Gender and Number" - Pronouns of one gender include the other; singular words include the plural and vice versa; unless the context clearly indicates otherwise.

"Gimmick Race" - A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

"Guaranteed Stakes" - A stakes race with a guarantee by the party offering it that the sum paid shall not be less than the amount named (see Stakes Race).

"Guest Association" - An association that offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same or another state.

"Handicap" - (Harness) A race in which starting positions are assigned on the basis of past performance so as to equalize the chance of all horses entered; (Thoroughbred) A race in which the weights carried by the entered horses are assigned by the Handicapper for the purpose of equalizing their respective chances of winning.

"Handicapper" - A person who assigns weights (thoroughbred) or post positions (harness) to horses nominated to a handicap race.

"Handle" - The aggregate dollar amount of all pari-mutuel pools, excluding refundable wagers.

"Heat" - One of two or more installments of a race.

"Horse" - An all encompassing term for any equine of any age, including colt, filly, gelding, ridgeling, mare or stallion; An uncastated male horse five years of age or older.

"Host Association" - The association conducting a licensed pari-mutuel meeting from which authorized contests or entire programs are simulcast.

"Hypodermic Injection" - Any injection into or under the skin or mucosa, including but not limited to intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection,



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intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

"Ineligible Horse" - A horse not qualified to participate in a specific race under the rules or conditions of that race.

"Ineligible Person" - A person not qualified to participate in specific racing activity under the rules.

"Illinois-Bred Colt or Filly" - A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" - A horse dropped in Illinois.

"Illinois Owned" - A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" - Whenever the word "Board" is used, it means the "Illinois Racing Board".

"Initial Screening" - A sensitive screening which determines the presence of drugs and their corresponding families.

"Interference" - Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Intertrack Wagering Facility" - The physical premises, structure and equipment utilized by an intertrack wagering location or intertrack wagering location licensee for the conduct of intertrack wagering or simulcast wagering.

"Inquiry" - An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

"Issued Ticket" - A wager for which the ticket issuing machine produces a hard copy.

"Jockey" - A rider of a thoroughbred race horse.

"Laboratory" - The Illinois Racing Board Laboratory or an independent testing laboratory contracted by the Board.

"Late Closing Race" - A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

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"Length of Race" - Races shall be run at the stated distance in units not shorter than a sixteenth of a mile.

"Lessee" - A licensed owner whose interest in a horse is by lease agreement.

"Licensee" - A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation licensee)

"Maiden" - (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for that a purse was offered; (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" - A contest restricted to nonwinners.

"Mare" - (Harness) A female horse four years of age or older; (Thoroughbred) A female horse five years of age or older.

"Match Race" - A race between two horses under conditions agreed to by their owners.

"Matinee Race" - A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" - The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" - Any person under the age of seventeen.

"Minus Pool" - A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" - A calendar month.

"Mutuel Field" - Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Mutuel Manager" - The racing official designated by the organization licensee to supervise its pari-mutuel department.

"Net Pool" - The amount of gross ticket sales less refundable wagers and statutory commissions.

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"Nominator" - The person or entity in whose name a horse is nominated for a race or series of races.

"Nominee" - A horse nominated to a stakes and/or handicap race.

"Nomination" - The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" - A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" - A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Off Bell" - The bell, operated by the stewards, that signals the locking of ticket-issuing machines; The bell that rings as a race starts.

"Official Order of Finish" - The order of finish of the horses in a contest as declared official by the stewards.

"Official Starter" - The official responsible for dispatching horses to begin a race.

"Official Time" - The elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Official Veterinarian" - A veterinarian employed by the Board or employed by an organization licensee and approved by the Board.

"Off Time" - The moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

"Off-Track Stabling" - Any farm, any Illinois race track not licensed by the Board in the current calendar year, or any other location designated and approved for the purpose of stabling horses to be raced at a race track under the jurisdiction of the Board.

"Organization Licensee" - Any person or entity receiving an

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organization license from the Board to conduct a race meeting or meetings.

"Outstanding Ticket" - An uncashed winning or refundable pari-mutuel ticket that was not redeemed during the performance for which it was issued and that must be cashed within the statutory time limit.

"Overnight Event" - A contest for which entries close at a time set by the racing secretary. (Synonym: Overnight Race, Overnight)

"Owner" - A person or stable that has property rights in a horse or horses, by ownership or lease of a horse or horses.

"Paddock" - The building or enclosure where horses are saddled for a race. A railled enclosure in which the horses are paraded for public view immediately before the post parade.

"Pari-Mutuel Auditor" - An employee of the Board's Pari-Mutuel Audit Unit.

"Pari-Mutuel Audit Unit" - The State Director of Mutuels and the Pari-Mutuel Auditors.

"Pari-Mutuel System" - The manual, electro-mechanical, or computerized system and all software (including the totalizator, account betting system and off-site betting equipment) that is used to record wagers and transmit wagering data.

"Patron" - A member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

"Payoff" - The amount of money payable on winning wagers.

"Person" - Any individual, partnership, corporation or other association or entity.

"Pharmaceutical Aids" - Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Pool" - Total amount of money wagered upon all horses in a race to finish in a specific position or positions.

"Post" - The place on a race course from which the horses start in a race.

"Post Position" - The pre-assigned positions from which the horses

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leave the starting gate.

"Post Time" - The scheduled starting time of a contest.

"Prescription Drugs" - Any chemical substance which is prohibited from being dispensed by any Federal or Illinois law without a valid prescription.

"Prima Facie Evidence" - Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" - The net pool after deduction of the amount wagered on the winners.

"Profit Split" - A division of profit among separate winning betting interests or winning betting combinations resulting in two or more payoff prices.

"Program" - The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" - An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" - The amount of money won by the owner of any competitor in a race.

"Purse Race" - A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" - A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

"Quarter Horse" - A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" - A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" - The actual racing surface.

"Race on the Flat" - (see Flat Race)

"Race Track Enclosure" - Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

"Race Track Operator" - Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

"Race Meeting" - The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" - Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting. (Synonym: organization licensee or race track operator)

"Racing Day" - Any period beginning at noon included in the period of a race meeting that ends at midnight, unless otherwise provided by statute.

"Racing Interest" - Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a race horse.

"Racing Jurisdiction" - A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Racing Soundness Exam" - The physical examination for racing soundness and health of each horse by an official veterinarian.

"Recognized Meeting" - Any race meeting with regularly scheduled races licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" - The fastest time made by a horse in a race that he won or in a performance against time.

"Refunded Ticket" - A ticket which has been refunded for the value of a wager that is no longer valid (e.g., when a horse has been scratched or the wagering canceled).

"Restricted Area" - An area on the grounds of a racetrack where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" - That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Ruled Off" - Synonymous with suspended or excluded.

"Rules" - Regulations promulgated by the Board pursuant to the Horse



## ILLINOIS RACING BOARD

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## Racing Act.

"Ruling" - A written decision, determination, and/or order of the stewards.

"Satellite Transponder" - A leased space segment time of an earth-orbit communication satellite.

"Scoring" - Preliminary warm-ups by horses.

"Scratch" - The withdrawal of a horse from a race after the closing of entries.

"Scratch Time" - The time designated by the racing association as a deadline for an owner or trainer to file a request for a scratch.

"Simulcast" - The live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Single Price Pool" - An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

"Stable Name" - The assumed name or nom de course under which a person or stable races horses.

"Stakes" - All the fees paid by subscribers to a stakes race, which may include the nomination, eligibility, supplemental, entry or starting fees or any fee that is required by the conditions of a race.

"Stakes Race" - A race that is closed to nominees more than 72 hours before it is run with a purse that includes all stakes payments in addition to the money added by the racing association.

"Starter" - The racing official whose duty it is to get the horses away to a fair start in a race. Any horse that participates, i.e., starts, in a race.

"State Veterinarian" - A veterinarian employed by the Board.

"Starter Race" - An overnight event, under allowance or handicap conditions, restricted to horses who have previously started for the designated claiming price or less, as stated in the conditions of the race.

"State Director of Mutuels" - The individual representing the Board in the supervision and verification of the pari-mutuel wagering pool totals for each racing day.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

"Steeplechase Race" - A contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

"Steward" - Duly appointed top official at a race track with the power to fine, suspend, and rule off persons licensed in racing.

"Stewards' Stand" - The room, generally located on the roof of a racetrack grandstand or clubhouse, from which the State stewards and association stewards observe the running of races.

"Subscription" - The nomination or entry of a horse in a stakes race.

"Sulky" - A dual-shaft, dual wheel racing vehicle.

"Suspension" - A penalty in which the rights and privileges of a licensee are withdrawn for a specified period of time. An occupation licensee whose license is suspended is prohibited from engaging in any licensed occupation and is excluded from all grounds under the jurisdiction of the Board, unless otherwise specified in the ruling or order (example: suspended from riding or driving).

"Sweepstakes" - A race where the owners of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added, and nominations to which close 72 hours or more before starting.

"Takeout" - The total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Test Level" - The concentration of a foreign substance found in a test sample.

"Test Sample" - Any substance, including but not limited to, blood or urine taken from a horse or licensee for the purpose of testing for foreign or controlled substances.

"Threshold Level" - The concentration of a foreign substance found in a test sample.

"Ticket Issuing Machine" - A machine which prints hard copies of wagers.

"Totalizator" - An electronic device that automatically registers the wagers made on each horse or pool and prints or issues a ticket representing each such wager or wagers.

"Totalizator System Licensee" - Any person, corporation, company, association or any other entity which sells, leases, or operates

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

totalizator equipment and is licensed by the Board.

"Tote Room" - The room at a race track in which the totalizator system's computer is housed.

"Tout" - Someone who furnishes information concerning selection of a horse for wagering purposes, or predicts the outcome of a race for wagering purposes, in exchange for a consideration.

"Trial Race" - Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

"Uplink" - An earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

"Utilities" - Programs that are provided by computer vendors to perform tasks such as duplication of program tapes, modification of master files, and access to passwords.

"Validation" - The act or process by which the Board's licensing office at a race meeting stamps or otherwise marks the licensee's identification card, thereby allowing the licensee access to restricted areas during a specific race meeting.

"Vendor" - A seller of feed, medication, stable supplies, or other merchandise in restricted areas.

"Veterinarian" - A veterinary practitioner licensed as such by the Illinois Department of Professional Regulation.

"Veterinarian's List" - A tabulation maintained by the State Veterinarian of horses that are not permitted to enter a race until their names are removed from the list.

"Walkover" - An event in which all horses but one in a race are withdrawn, leaving that horse to walk the prescribed course at the distance of the race. A walkover may be between two or more horses if they belong to a single interest.

"Week" - A calendar week.

"Weigh-In" - The presentation of a jockey to the Clerk of Scales for weighing after a race.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

"Weight-Out" - The presentation of a jockey to the Clerk of Scales for weighing prior to a race.

"Weight for Age" - A race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Winner" - The horse whose nose reaches the finish line first. If there is a dead heat for first, those horses shall be considered winners.

"Wire" - See Finish line.

"Year" - A calendar year.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Numbers: Proposed Action:  
1413.250 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the list of medical reasons a horse is ineligible to race.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  
  
Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 11-100  
Chicago Illinois, 60601  
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

because: the Board did not anticipate amending Part 1413.

The full text of the Proposed Amendment begins on the next page:



ILLINOIS RACING BOARD

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

1413.305 Transfer of Jockey Club Certificate  
1413.310 Number of Races in a Day

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

PART 1413

ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section  
1413.10 Registration with Jockey Club  
1413.20 Registration Rules  
1413.30 Eligibility  
1413.40 How Entries are Made  
1413.42 Number of Entries  
1413.44 48- or 72-Hour Entries  
1413.46 Also Eligibles Under 48- or 72-Hour Rule  
1413.48 Uncoupled Entries  
1413.50 Racing Secretary Receives Entries  
1413.60 Supervision of Entries  
1413.70 When Entries Close  
1413.75 Limitation on Purse Reductions  
1413.80 Closing in Absence of Conditions  
1413.90 Entry by Telegraph  
1413.100 List of Entries  
1413.114 Couples As Entry  
1413.118 Further Definition of Coupling  
1413.120 Riders Designated  
1413.130 Carding Purse and Handicap Races  
1413.134 Race Fails to Fill  
1413.138 Substitute and Extra Races  
1413.140 Right to Declare Out  
1413.150 Number of Entries  
1413.160 Fee to Enter  
1413.170 Refunds  
1413.180 Error in Entry  
1413.190 Irrevocable Declaration  
1413.200 Notice of Declaration  
1413.210 Entry of Unfit Horse  
1413.220 Refusal for Inconsistency  
1413.230 Horse Ineligible  
1413.240 Who May Enter  
1413.250 Medical Reasons for Ineligibility  
1413.260 Sweepstakes Entries  
1413.265 Receipt for Nomination  
1413.270 Previous Engagements  
1413.280 Transfer of Engagements  
1413.290 Transfer of Sweepstakes Engagements  
1413.300 Jockey Club Certificates

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974 amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; added August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1413.250 Medical Reasons for Ineligibility

A trainer or owner shall not enter or start, or cause to be entered or started, a horse that which:

- a) is not in servicable, sound racing condition;
- b) ~~is-a-known-breeder~~
- c) ~~has been nerved or had cryosurgery performed on a nerve; except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;~~
- e) ~~has-been-a-nerve-blocked;~~
- f) ~~is-not-property-plated;~~
- d) ~~is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision;~~
- e) ~~does not comply with the rules regarding Coggins tests.~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers: 603.70  
Proposed Action: amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: Furosemide is a medication approved for use in horses to manage exercise induced pulmonary hemorrhage (EIPH). The IRB has permitted the race-day use of Furosemide under controlled conditions for the past 20 years. Furosemide administration is strictly monitored by both pre and post race procedures. Periodically, the Furosemide rules are updated to reflect current standards of practice and knowledge. This rule change is being offered to better deal with the realities of the interstate and international movement of racehorses in the industry.

The proposal concerns only how horses are certified to race on Furosemide in Illinois. The current rule requires that, in order to qualify to race on Furosemide, a horse must have a bleeding episode witnessed by an official veterinarian in this or another racing jurisdiction. Under the current rule, some horses that consistently race on Furosemide in other jurisdictions are denied the use of Furosemide in Illinois if the trainer cannot produce an official certificate of a witnessed bleeding episode. It may be unfair to the betting public if a bleeder races in Illinois without Furosemide, as well as dangerous to the horse. Under the proposed rule, a horse that has been racing out-of-state would be permitted to race on Furosemide in Illinois if it has been consistently racing on Furosemide in other jurisdictions as evidenced in the performance lines or other acceptable documentation.

In addition, the proposal allows a trainer to put a thoroughbred horse on the Furosemide list if a practicing veterinarian certifies that it is in the best interest of the horse's health to race on Furosemide.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5017

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated when the agenda was submitted for publication.

The full text of the Proposed Amendments begins on the next page:

ILLINOIS RACING BOARD

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER C: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603	
MEDICATION	
Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-Four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

- Section 603.70 Furosemide
- a)

The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques

permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide. ~~there are horses that exhibit symptoms of epistaxis or respiratory tract hemorrhage which with proper treatment are sound and able to compete in races. A horse which during the race or following the race or during exercise or following such exercise is found to be shedding blood from one or both nostrils or is found to have bled internally is eligible to be placed on the bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the horse trainer or veterinarian must obtain a certificate of examination from one of the State veterinarians or other documentation as prescribed in this Section and have the horse placed on the official bleeder list. One of the State veterinarians must by examination or in consultation with the practicing veterinarian establish that the horse did in fact shed free blood from one or both nostrils or that an endoscopic examination of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by one of the State veterinarians, the horse regardless of age shall be placed on the bleeder list which shall be maintained by one of the State veterinarians. Once on the list, a horse shall be removed from the bleeder list only in the direction of one of the State veterinarians who must certify in writing to the Board his recommendation for removal of the horse from the list.~~

- b) Veterinarian's List
- 1)

When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D) of this Section. During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 9 days following the certification date before qualifying.

2)

A horse bleeding the first time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 30 days.

3)

A horse bleeding a second time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 60 days.

4)

A horse bleeding a third time in any 12 month period while racing or training with furosemide shall be barred from racing for a minimum of 180 days or the remainder of the 12 month period, whichever is greater.

5)

After the expiration of the barred periods in subsections (b)(2),



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(3) and (4) of this Section, a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

6) This Section shall apply to horses shipped in from other racing jurisdictions.

~~Once a horse is placed on the bleeder list, that horse must be assigned to a stall in a facility designated by the Board as a security area, at a time to be determined by the Board prior to the scheduled post time for any race in which it is entered. The security stall shall be assigned by the Racing Secretary. Once placed in the security stall, a horse must remain there until it is taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the security stall to engage in exercise blow-outs or warm-up heats.~~

c) Eligibility for Furosemide Treatment

1) A horse is eligible to race with furosemide if:

A) it bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian.

B) a veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection applies to thoroughbred horses only.

C) the trainer provides the Board or its designee with proof that the horse bled in another racing jurisdiction. Acceptable proof shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate.

D) the trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable

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past performance lines for harness horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the horse has past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

2) Signing a Furosemide Certification Affidavit

A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsections (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.

B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1) of this Section.

C) Any purse money earned by the horse in the race shall be held during the 10 day period.

D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.

3) Foreign Horses

Upon presenting a document signed by a licensed veterinarian of a foreign country stating that a horse has bled, the horse shall be permitted to run with furosemide in Illinois if the bleeding date is in compliance with subsection (b)(1) of this Section.

~~Horses on the official bleeder list must be treated with furosemide in the manner specified by subsection (f) of this Section:~~

d) Removal from Furosemide List

1) Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively affected by the use of furosemide, or upon the recommendation of the State Veterinarian

## ILLINOIS RACING BOARD

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- if a horse has an adverse physiological reaction to furosemide.
- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- ~~if directed by a Board representative immediately prior to treatment and as a condition for approval, the horse trainer must direct the practicing veterinarian to, in the presence of a uniformed security guard, take a blood sample from the horse in the presence of a Board representative, which may be delivered to the Board's testing laboratory for analysis.~~
- e) Administration of Furosemide
- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
  - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
  - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
  - 4) The trainer or his/her licensed employee shall witness the furosemide administration.
  - 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
  - 6) For violations of this subsection (e), the stewards shall scratch a horse from the race and the trainer may be fined not less than \$200 and not more than \$500.
- ~~Any horse on the bleeder list which is not stabled on the actual grounds of the racing facility where it is to race, and which is stabled off the grounds at an auxiliary stabling area or at some other approved location, must be brought on to the grounds of the racing facility where it is scheduled to compete at least 6 hours prior to the post time for the race for which it is entered, unless one of the State veterinarians authorizes a later arrival. Such a horse arriving at the racing facility will be placed in a security stall assigned by the Racing Secretary.~~
- f) Absence of Furosemide
- In the event a horse listed on the furosemide list races without

## ILLINOIS RACING BOARD

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- furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian.
- ~~Every horse entered to race shall be placed in a security area as designated by the Board. The Board, in designating a security area, shall not require that a horse be placed in a barn or stall other than the barn or stall assigned to that horse by the Racing Secretary. The barn or stall shall be posted as a security area. The trainer of record shall be responsible for the security of the horse and barn or stall area. The security area shall be under the supervision of the Illinois Racing Board. No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State veterinarians, the stewards or a Board investigator.~~
- gk) Excessive Use of Furosemide
- 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
  - 2) The first two times the laboratory reports an amount of furosemide between 61 ng - 85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer at this level, the trainer shall be fined no more than \$200.
  - 3) The first time the laboratory reports an amount of furosemide between 86 ng-99 ng/ml inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer at this level, the trainer shall be fined no more than \$500 and suspended not more than 30 days.
  - 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$1000 and suspended not less than 30 days and the purse shall be redistributed.
- g) ~~The provisions of this Section and the treatment authorized herein shall apply to and be available only for horses entered in and competing in race meetings as defined in Section 3-07 of the Act--(230 ILCS 5/3-07).~~
- h) Trainer's Responsibilities for Horses on the Furosemide List Procedure
- 1) The trainer shall be responsible for:
    - A) Providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race.
    - B) Providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide.
    - C) Notifying his/her veterinarian of furosemide horses and the date and times for race day treatment.
    - D) Having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee.



- E) posting a "Security Stall" sign on the stalls of his/her horses entered to race.
- F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock.
- 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- 1) If an official veterinarian determines that a horse is a bleeder he shall issue a certificate of examination and enter the horse's name and tattoo number on the bleeder list. The trainer shall affix the certificate of examination to the horse's foal papers or eligibility papers. A trainer who plans to race a bleeder shall indicate on the entry form that the horse races with furosemide.
- 2) The State veterinarian or his designee shall authorize a horse which has bled in another state to race on furosemide upon presentation by the trainer of:
- A) written certification from a state or association veterinarian in another state that a properly identified horse has bled in that state; or
- B) publication in the official charts that the named horse bled following a race at a race track in that state.
- 3) If the certification described in subsection (h)(2)(A) above is not available at the time the named horse is entered to race:
- A) the stewards may allow the horse to race as a bleeder in that one race in which it is entered only;
- B) within ten days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state that the horse has bled in that state or a statement in an official chart that the named horse bled following a race in that state;
- C) any purse earned by the horse in the race shall be held during the ten-day period.
- B) If the trainer fails to produce the certification described in subsection (h)(3)(B) above, the stewards shall impose a fine and/or suspend the trainer's license and shall redistribute the amount of any purse earned by the horse.
- 4) If a horse has been designated a bleeder, it shall remain on the bleeder list and be administered furosemide prior to its races regardless of change of owner or trainer. Once on the bleeder list, a horse shall be removed from the list only upon the direction of the State veterinarian who shall certify in writing to the Board his recommendation for removal of the horse from the list.
- i) Veterinarian's Responsibilities Administration
- 1) The practicing veterinarian shall be responsible for:

- A) administering the proper furosemide medication and dose at the proper time to the proper horse.
- B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
- 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- 1) If a horse has been placed on the bleeder list, it shall receive a furosemide administration not earlier than 3 hours and 45 minutes and not later than 4 hours and 15 minutes prior to post time of the race in which it is entered. The Board may require that horses be brought to a designated facility for furosemide administration.
- 2) A licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously to the bleeder and shall immediately note on Board prescribed forms the time of administration and submit such forms to the stewards no later than 3 1/2 hours prior to the horse's scheduled post time.
- 3) The trainer or his licensed employee shall witness the administration.
- Following the administration of furosemide, the trainer of record or his designee shall remain with the horse and provide constant surveillance in accordance with Illinois Administrative Code 920.
- j) Security Bleeders
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
- 2) The barn area is a secure area and shall be under the supervision of the Board.
- 3) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
- 4) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- 1) The bleeder list for the race meeting shall be posted in the Racing Secretary's office and in the State veterinarian's office at each race meeting.
- 2) The first time a horse bleeds, it shall be ineligible to race for 19 days, irrespective of the date of entry.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 3) ~~A horse which bleeds for the second time in any 12 month period shall be barred from racing in Illinois for a minimum of 60 days.~~
- 4) ~~A horse which bleeds for the third time in any 12 month period shall be barred from racing in Illinois for a minimum of 120 days.~~
- 5) ~~After the expiration of any of the above mentioned periods, no horse may again start until it has been approved by the State veterinarian.~~
- 6) ~~This Section shall also apply to horses shipped in from other racing jurisdictions which have established different time restrictions.~~

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Security Areas
- 2) Code Citation: 11 Ill. Adm. Code 436
- 3) Section Numbers: Proposed Action:  
436.110 Amendment  
436.130 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking corrects the code references as well as replaces the words bleeder and lasix with furosemide.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312)814-5017

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

the Board did not anticipate amending Part 436.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING

## CHAPTER 1: ILLINOIS RACING BOARD

## SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 436

## SECURITY AREAS

## SUBPART A: ORGANIZATION LICENSEES RESPONSIBILITIES

## Section

436.5 Security Area

436.10 Security Barn Location (Repealed)

436.20 Sanitation, Hygiene and Health

436.30 Fire and Safety Regulations (Repealed)

436.40 Fencing and Lighting (Repealed)

436.50 Security and Barn Offices (Repealed)

436.60 Penalties

## SUBPART B: CONDUCT IN SECURITY AREA

## Section

436.70 Reporting for Stall Assignments

436.80 Identification Badges (Repealed)

436.90 Reporting to Security Barn Stall Assignments (Repealed)

436.100 Prohibited Equipment and Substances

436.110 Trainer's Responsibility to Guard

436.120 Access to Security Barn (Repealed)

436.130 Euroseמיד Bieder List Horses

436.140 Leaving the Security Barn (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 12 Ill. Reg. 6304, effective March 18, 1988; emergency amendment at 15 Ill. Reg. 12944, effective August 16, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4520, effective March 10, 1992; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 436.110 Trainer's Responsibility to Guard

The duties imposed upon trainers in 11 Ill. Adm. Code 603.50 509-200 will continue to be in effect while a horse is in the security area.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 436.130 Euroseמיד Bieder List Horses

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- a) All horses on the furosemide breeder list shall be treated with furosemide ~~(test)~~ as provided in 11 Ill. Adm. Code 603.70 509-90~~(e)~~.
- b) Following the administration of furosemide ~~test~~ the trainer of record or his designee shall immediately return the horse to its assigned stall and shall remain with the horse and provide constant surveillance in accordance with Section 436.5(c). Violations of this subsection (b) ~~rule~~ shall be penalized in accordance with Section 436.60(b).
- c) A sign designating the stall as a "Security Stall" shall be posted on the horse's stall ~~four~~ 4 hours prior to the post time of the race in which the horse has been entered to race. Violations of this subsection (c) ~~rule~~ shall be penalized in accordance with Section 436.60(c).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:  
100.5270 Amendment
- 4) Statutory Authority: 35 ILCS 5/201(e)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the provision for determining whether a unitary business group is primarily engaged in manufacturing and therefore qualifies for the investment credit under Section 201(e) of the Illinois Income Tax Act. Situations have arisen involving unitary business groups in which the manufacturing members sell all of their products to wholesaling members, who sell the products outside the group at a mark-up. Under the current regulatory provision, such a group could not qualify for the credit because less than half of the gross receipts from its members would be from manufacturing - the marked-up sales by the wholesaling members would not qualify. This amendment would treat gross receipts of any member of a group from sales of goods manufactured by any other member of the group as manufacturing gross receipts.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed amendment may submit them in writing by no later than 45 days after publication of this notice to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-7055

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking will allow small businesses operating as part of a unitary business group to qualify for a credit to which they are entitled, but which the current regulation would deny them.
- B) Reporting, bookkeeping or other procedures required for compliance:  
No additional procedures are required
- C) Types of professional skills necessary for compliance: No new professional skills are required

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 100

## INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000  
100.2050

Introduction  
Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))

Replacement Tax Investment Credit (IITA 201(e))

Investment Credit; Enterprise Zone (IITA 201(f))

Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))

Investment Credit; High Impact Business (IITA 201(h))

Credit Against Income Tax for Replacement Tax (IITA 201(i))

Training Expense Credit (IITA 201(j))

Research and Development Credit (IITA 201(k))

Education Expense Credit (IITA 201(m))

Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)

Credit for Residential Real Property Taxes (IITA 208)

Dependent Care Assistance Program Tax Credit (IITA 210)

## SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

## SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER

DECEMBER 31, 1986

- Section  
100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986
- 100.2310 Computation of the Illinois Net Loss Deduction
- 100.2320 Determination of the Amount of Illinois Net Loss Carryovers
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986
- 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

## SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

- Section  
100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

## SUBPART F: BASE INCOME OF INDIVIDUALS

- Section  
100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

## SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

- Section  
100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3020 Resident (IITA Section 301)

## SUBPART J: COMPENSATION PAID TO NONRESIDENTS

- Section  
100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

- Section  
100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

- Section  
100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

- Section  
100.5000 Time for Filing Returns: Individuals (IITA Section 505)



## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
 100.5040 Innocent Spouses

## SUBPART O: COMPOSITE RETURNS

Section  
 100.5100 Composite Returns: Eligibility  
 100.5110 Composite Returns: Responsibilities of Authorized Agent  
 100.5120 Composite Returns: Individual Liability  
 100.5130 Composite Returns: Required forms and computation of Income  
 100.5140 Composite Returns: Estimated Payments  
 100.5150 Composite Returns: Tax, Penalties and Interest  
 100.5160 Composite Returns: Credit for Resident Individuals  
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
 100.5200 Filing of Combined Returns  
 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
 100.5205 Election to File a Combined Return  
 100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
 100.5220 Designated Agent for the Members  
 100.5230 Combined Estimated Tax Payments  
 100.5240 Claims for Credit of Overpayments  
 100.5250 Liability for Combined Tax, Penalty and Interest  
 100.5260 Combined Amended Returns  
 100.5265 Common Taxable Year  
 100.5270 Computation of Combined Net Income and Tax  
 100.5280 Combined Return Issues Related to Audits

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
 100.7000 Requirement of Withholding (IITA Section 701)  
 100.7010 Compensation Paid in this State (IITA Section 701)  
 100.7020 Transacting Business Within this State (IITA Section 701)  
 100.7030 Payments to Residents (IITA Section 701)  
 100.7040 Employer Registration (IITA Section 701)  
 100.7050 Computation of Amount Withheld (IITA Section 701)  
 100.7060 Additional Withholding (IITA Section 701)  
 100.7070 Voluntary Withholding (IITA Section 701)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
 100.7090 Reciprocal Agreement (IITA Section 701)  
 100.7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
 100.7100 Withholding Exemption (IITA Section 702)  
 100.7110 Withholding Exemption Certificate (IITA Section 702)  
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

Section  
 100.7200 Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
 100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
 100.7320 Time for Filing Returns (IITA Section 704)  
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100.9000 General Income Tax Procedures (IITA Section 901)  
 100.9010 Collection Authority (IITA Section 901)  
 100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100.9200 Assessment (IITA Section 903)  
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section  
 100.9300 Deficiencies and Overpayments (IITA Section 904)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100.9400 Credits and Refunds (IITA Section 909)  
 100.9410 Limitations on Claims for Refund (IITA Section 911)  
 100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section  
 100.9500 Access to Books and Records (IITA Section 913)  
 100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913) (Repealed)  
 100.9510 Taxpayer Representation and Practice Requirements  
 100.9520 Conduct of Investigations and Hearings  
 100.9530 Books and Records

## SUBPART AA: JUDICIAL REVIEW

Section  
 100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

Section  
 100.9700 Unitary Business Group Defined (IITA Section 1501)  
 100.9710 Financial Organizations (IITA Section 1501)  
 100.9720 Nexus

## SUBPART CC: LETTER RULING PROCEDURES

Section  
 100.9800 Letter Ruling Procedures

APPENDIX A Business Income Of Persons Other Than Residents  
 TABLE A Example of Unitary Business Apportionment  
 TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

49 P. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 2, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 15, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

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effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART P: COMBINED RETURNS

## Section 100.5270 Computation of Combined Net Income and Tax

a) Determination of base income. The combined base income shall be determined by first computing the combined group's combined net income and then modifying this amount by the combined group's combined Illinois addition and subtraction modification amounts.

1) Combined net income. The designated agent will determine combined base income by treating all members of the unitary business group (including ineligible members) as if they constituted a federal consolidated group and by applying the federal regulations for determining consolidated taxable income, except that the separate return limitation year provisions and the limitations on consolidation of life and non-life companies in Treasury Reg. Section 1.1502-47 shall not apply. (See Treasury Reg. Section 1.1502-11, 26 CFR 1.1502-11.) A consolidated net operating loss deduction, as defined in Treasury Reg. Section 1.1502-21, 26 CFR 1.1502-21, shall be added back to taxable income, in whole or in part, in accordance with subsections (a)(2), (4) and (5) below. Pursuant to IITA Section 203(e)(2)(E), combined base income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect.

Example 1. Corporations A and B properly make an election under IITA Section 502(e), or are properly required to file a combined return under IITA Section 502(e). On a separate return basis, A's federal taxable income would be a loss of (\$500). This amount does not include an excess capital loss of \$75 pursuant to Internal Revenue Code Section 1211(a). B's federal taxable income is \$1,000 of which \$100 is capital gain. As a result of applying Treasury Reg. Section 1.1502-11 and Section 1.1502-22 (26 CFR 1.1502-22), the combined federal taxable income for A and B is \$425.

2) Combined Illinois net loss. The combined group's current year combined net income may be less than zero, in which case it shall be determined by applying the provisions of Treasury Reg. 1.1502-21(f) (consolidated net operating loss) to the unitary business group.

Example 2. Same facts as Example 1 in subsection (a)(1) above except that Corporation C has also properly joined in the election, or is properly required to join in the combined return filing, and its federal taxable income is a loss of (\$800). If there are no addition or subtraction modifications and all of the

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group's base income is apportioned to Illinois, the group's combined Illinois net loss for the taxable year will be (\$375).

3) Carrybacks and carryovers. Carrybacks and carryovers, if any, shall be determined for each member and not for the group. A pro rata share of the loss is attributable to each of the loss members. For Illinois net losses that occurred in taxable years ending on or after December 31, 1986, the amount of any carryback or carryover shall be determined by applying Sections 100.2340, 100.2350(c)(3) and (c)(4) of this Part. For federal net operating losses that occurred in taxable years ending prior to December 31, 1986, the amount of any carryback or carryforward shall be determined by applying Section 100.2230 of this Part. Example 3. Same facts as Example 2 in subsection (a)(2) above. Assuming the taxable year ends prior to December 31, 1986, the group's combined net operating loss of (\$375) will be divided between A and C as follows for purposes of carryback and carryover:

Corp. A:  $500/1,300 \times (375) = 144$

Corp. C:  $800/1,300 \times (375) = 231$

4) NOL addition modification of federal net operating loss deductions from a loss incurred in a taxable year ending on or after December 31, 1986. IITA Section 203(b)(2)(E) requires that the amount of any federal net operating loss deduction taken in arriving at taxable income for federal tax purposes, other than from a loss in a taxable year ending prior to December 31, 1986, shall be added back to taxable income in the computation of base income. See Section 100.2320(a) of this Part.

5) NOL addition modification of pre December 31, 1986, federal losses. IITA Section 203(b)(2)(E) requires an addition modification subject to two limitations for taxable years in which a federal net operating loss carryforward from a taxable year ending prior to December 31, 1986, is an element of taxable income. Consequently, each member allowed to carryback or forward a portion of the group's combined net operating loss from a year in which that combined loss was used to offset a portion of the group's combined excess addition modifications must take as an addition modification in the carryback or carryover year its respective share of the NOL addition modification required by IITA Section 203(b)(2)(E). In accordance with Section 100.2240 of this Part, the respective shares shall be determined in the same manner as the determination of the amount of NOL carryback or carryover.

Example 4. Same facts as Example 2 in subsection (a)(2) above except that the group had combined excess addition modifications of \$100. This amount will be divided among the loss members as follows:

Corp. A:  $500/1,300 \times 100 = 38$



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Corp. C:  $800/1,300 \times 100 = 62$

- b) Combined base income allocable to Illinois. Combined base income allocable to Illinois is the sum of the combined business income or loss apportioned to Illinois plus the combined nonbusiness income or loss allocated to Illinois plus the combined nonunitary partnership income or loss allocated to Illinois, less the combined net loss deduction.

1) Combined business income apportionable to Illinois. In the case of a combined group required to apportion its business income using the three-factor (payroll, property and sales) formula under Section 304(a) of the IITA, the designated agent will apportion the unitary business group's combined business income by using the total Illinois payroll, property and sales of each member of the combined group and the total everywhere payroll, property and sales of each member of the unitary business group (including ineligible members). In the case of groups composed exclusively of one-factor apportionment taxpayers (financial, insurance, or transportation), the unitary business group's combined business income will be apportioned by using the combined group's total Illinois financial, insurance, or transportation factors and total everywhere factors of the unitary business group.

A) Example 1:

i) Corporations A, B, and C constitute a unitary business group. Corporations A and B are eligible to make the election under IITA Section 502(e) for tax years ending before December 31, 1993. However, under Public Law 86-272, Corporation C is not taxable in Illinois.

ii) Based on these facts, if the election to be treated as one taxpayer is made, the combined Illinois sales factor must be determined by dividing the combined group's total combined Illinois sales (that is, excluding any sales of Corporation C shipped to purchasers in Illinois) by the total combined sales of the unitary business group everywhere. If the same facts are applied to a tax year ending on or after December 31, 1993, the same result will occur in the mandatory combined return situation.

B) Example 2:

i) Same facts as in Example 1, except these additional facts also exist. Under Public Law 86-272, Corporations B and C are taxable in South Carolina, but corporation A is not.

ii) Based on these facts, if the election to be treated as one taxpayer is made, or the taxpayers are required to be treated as one taxpayer, the combined Illinois sales factor must be determined by dividing the

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combined group's total Illinois sales (including any sales of Corporation A shipped to purchasers in South Carolina from any place of storage in Illinois, i.e., throwback sales) by the total sales of the unitary business group everywhere.

2) Combined nonbusiness and nonunitary partnership income allocable to Illinois. The designated agent shall compute the amount of combined nonbusiness income or loss allocable to Illinois by first determining the amount for each member of the combined group and then combining these amounts. Similarly, the designated agent shall compute the amount of combined nonunitary partnership income or loss allocable to Illinois by first determining the amount for each member and then combining these amounts.

3) Combined Illinois net loss deduction. The designated agent shall compute the combined Illinois net loss deduction for losses originating in tax years ending on or after December 31, 1986 by determining the amount of deduction available for each member of the combined group in accordance with Sections 100.2330, 100.2340 and 100.2350 of this Part and then by combining these amounts.

c) Combined exemption. Under the election or requirement to be treated as one taxpayer, there is one exemption per combined return. The designated agent shall compute the combined exemption by multiplying \$1,000 by a fraction, the numerator of which is combined base income allocable to Illinois and the denominator of which is the group's combined base income. The exemption amount for members of unitary groups not making the election, or subject to the requirement, and for members of unitary groups ineligible to make the election, or not subject to the requirement, is computed by multiplying \$1,000 by a fraction, the numerator of which is that member's base income allocable to Illinois, and the denominator of which is the group's combined base income.

d) Combined credits

1) Applicability of credits. The designated agent will compute any credit allowed by the IITA based on the combined activities of the members of the combined group and such credit will be applied against the combined liability of the combined group.

2) Credits based on members' activities. The investment credits provided in IITA Sections 201(e), (f) and (h) and 206(b) are available when certain property is purchased and placed in service by a taxpayer. The combined group shall be entitled to a combined credit, assuming the other statutory or regulatory requirements applicable to the given credit are satisfied, even if one of the members purchases the qualified property and another member uses the property in a qualified manner.

3) Effective January 1, 1994, the investment credit provided in IITA Section 201(e) is allowed for a taxpayer who is *primarily engaged in manufacturing, or in mining coal or fluoroite, or in retailing.* In the case of a combined group, the determination of eligibility



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shall be made for the combined group as a whole, rather than for any individual member. The determination of whether a combined group is primarily engaged in a qualifying activity shall be made by applying the 50% of gross receipts test in Section 100.2101(f) of this Part by taking into account the gross receipts of only the eligible members of the combined group. Gross receipts of corporations which would otherwise be members of the combined group, but which have no taxable presence in Illinois or which cannot be combined for any other reason, are not considered in this determination. In determining whether a combined group is primarily engaged in retailing, gross receipts from transactions between eligible members of the combined group shall be eliminated from both the numerator and the denominator of the computation. In determining whether a combined group is primarily engaged in manufacturing or in the mining of coal or fluoroite, gross receipts from manufacturing or the mining of coal or fluoroite shall include:

A) gross receipts from sales of products manufactured or coal or fluoroite mined by one eligible member of the combined group to another eligible member of the combined group for use or consumption, and not for resale, provided, however, that the amount of such gross receipts shall be subject to adjustment by the Department under the provisions of Section 404 of the IITA; and-

B) gross receipts from sales to persons outside the combined group by one eligible member of the combined group of items manufactured, or coal or fluoroite mined, by another eligible member of the combined group.

- 4) The additional credit provided in IITA Section 201(e) and the credit provided in Section 201(g) are based on specified increases in employment in Illinois. For purposes of determining entitlement to these credits during a combined-return year, the increase in employment shall be determined with respect to the employment of all members of the combined group in Illinois and not an individual member's employment. For purposes of determining the increase in employment in Illinois for a common taxable year, the Illinois employment of all taxpayers who are members of the combined group during that common taxable year shall be used; that is, both prior and current year Illinois employment of current members who were not members of the combined group in the prior year shall be included in the determination, while prior and current year Illinois employment of taxpayers who ceased to be members of the combined group during the current or prior year shall be excluded. The application of this subsection (d)(4) is illustrated by the following examples:

Example 1. Corporations A, B and C were members of a unitary business group which elected to file a combined return for 1989.

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Corporation D was not a member of the ABC combined group in 1989, but becomes a member of combined group ABCD filing a combined return for 1990.

During 1989, Corporations A, B and C employed a total of 150 persons in Illinois and Corporation D employed 50 people in Illinois, for a total of 200. During 1990, Corporations A, B and C employed 100 persons in Illinois and Corporation D employed 100 persons in Illinois, again for a total of 200.

IITA Section 201(e), which provides for a Replacement Tax Investment Credit for qualified property placed in service by the taxpayer during the year, allows an additional 0.5% credit for such property to a taxpayer whose Illinois employment has increased by at least 1% over its Illinois employment in the immediately preceding year. Combined group ABCD cannot qualify for the additional 0.5% credit during 1990 because the combined Illinois employment of Corporations A, B, C and D remained unchanged between 1989 and 1990. Because eligibility is determined at the combined group level, no additional credit can be allowed for qualified property placed in service by Corporation D in 1990, even though Corporation D's Illinois employment doubled between 1989 and 1990.

Example 2. Corporations P, Q, R and S filed a combined Illinois return for calendar year 1990. On January 1, 1991, Corporation S was sold to an unrelated purchaser. Corporations P, Q and R filed a combined Illinois return for calendar year 1991.

Combined group PQRS employed 400 people in Illinois during 1990, 100 of whom were actually employees of Corporation P and 100 of whom were actually employees of Corporation S. Combined group PQR employed 350 people in Illinois during 1991, 50 of whom were actually employees of Corporation P.

Combined group PQR can qualify for the additional 0.5% Replacement Tax Investment Credit allowed under IITA Section 201(e) for qualified property placed in service during 1990 because the Illinois employment of the three members of the combined group increased from 300 in 1989 to 400 in 1990. Because the eligibility is determined at the combined group level, property placed in service by Corporation P during 1990 may qualify for the additional 0.5% credit even though Corporation P's Illinois employment actually decreased.

Example 3. IITA Section 201(g) allows a Jobs Tax Credit equal to \$500 per eligible employee hired to work in an enterprise zone during a taxable year. The taxpayer must hire 5 or more eligible employees during the taxable year in order to qualify for the credit. The credit is taken in the taxable year following the year the employee is hired. Corporations W, X, Y and Z filed a combined Illinois return for calendar year 1990. Corporation Z was sold to an unrelated purchaser on December 31, 1990. Corporations W, X and Y filed a combined return for 1991.

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During 1990, WXYZ hired 5 eligible employees to work in an enterprise zone, 3 of whom were actually hired by Corporation Z. Combined group WXY may claim a Jobs Tax Credit of \$2,500 for 1991 because it hired 5 eligible employees during 1990. The fact that Corporation Z, which hired 3 of the employees, left the combined group at the beginning of 1991 does not alter the fact that the combined group earned the Jobs Tax Credit nor entitle Corporation Z to any portion of the credit for its separate company return for 1991.

- 5) The research and development credit provided in IITA Section 203(j) is based on increasing research activities in this State (see Section 100.2160 of this Part). For purposes of determining entitlement to the credit during a combined-return year, the increase in research activities shall be determined with respect to research activities conducted by all members of the combined group in Illinois and not an individual member's research activities. The following series of examples illustrate the application of the research and development credit in combined return situations involving Corporations A, B and C that incurred the following expenses for qualified research activities in Illinois:

	1990	1991	1992	1993
Corp. A	50,000	50,000	50,000	0
Corp. B	25,000	25,000	100,000	200,000
Corp. C	75,000	125,000	100,000	100,000
	150,000	200,000	250,000	300,000

- A) Example 1. A, B, and C filed combined returns for the years ending December 31, 1990, December 31, 1991, December 31, 1992 and December 31, 1993. The proper amount of the Research and Development Credit for the year ending December 31, 1993 is determined based upon the combined activities on the combined return and is calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research and development credit for 1993	6,500

- B) Example 2. A and B filed a combined return for the year ending December 31, 1990. C filed a separate return for the year ending December 31, 1990. A purchased the common stock of C on January 1, 1991. A, B and C filed combined returns for the years ending December 31, 1991, December 31, 1992 and December 31, 1993. The \$75,000 of expenses for qualified research activities in Illinois incurred by C for the year ending December 31, 1990 should be included in the calculation of the average qualified expenditures for the

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base period. The credit for the combined return would be calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

- C) Example 3. A, B and C filed combined returns for the years ending December 31, 1990, December 31, 1991 and December 31, 1992. On January 1, 1993, A sold the common stock of C to P (an unrelated corporation). For the year ending December 31, 1993, C was included in the combined return filed by P. In determining the proper amount of the Research and Development Credit for the combined return filed by A and B for the year ending December 31, 1993, the expenses for qualified research activities in Illinois incurred by C of \$75,000, \$125,000 and \$100,000 for the years ending December 31, 1990, December 31, 1991 and December 31, 1992, respectively, may not be included in the calculation of the average qualified expenditures for the base period for A and B for the year ending December 31, 1993. The credit for the combined return for A and B for the year ending December 31, 1993 would be calculated as follows:

Total qualified expenditures for 1993	200,000
Average qualified expenditures for 1990-92	100,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

- 6) Credit carryforward. Any combined credit carryforward shall be available to the combined group for the next combined-return year. For purposes of the credits allowed with respect to certain qualifying property under IITA Sections 201(e), (f), and (h) and 206(b), where a member becomes ineligible to join in the election, or is no longer required to be part of the combined return, the credit carryforward shall be available to the remaining members if such members continue to both own and use the property for which the credit was claimed in a qualifying manner for 48 months after the placed-in-service date. The credit carryforward shall be available to the former member that has become ineligible if that former member both owns and uses the property for which the credit was claimed in a qualifying manner for the remainder of the 48-month period after the placed-in-service date. If a credit carryforward is available to the former member that has become ineligible, the amount of the carryforward is equal to the combined unused credit multiplied by a fraction, the numerator of which is the credit attributable to the qualified property of such former member for the combined unused credit year, and the denominator of which is the qualified property of the combined group for such unused credit year. Example 1. In 1985, Corporation A purchased \$300,000 of

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eligible property, \$200,000 of which was used by A and \$100,000 of which was transferred to and used by Corporation B. A and B filed a combined return for that year which showed an income tax liability of \$1,000 and an investment credit of \$1,500. The group's unused credit was \$500. In 1987, B left the group, and during that year it owned and continued to use the \$100,000 of eligible property. Its credit carryforward would be computed as follows:

\$500 x \$100,000/\$300,000 = \$166.67

7) Recapture. For purposes of credits which are recaptured when property ceases to be qualified property or is moved out of Illinois or when property is moved outside of an enterprise zone within 48 months of the placed-in-service date, the members of the combined group are responsible for the recapture of any personal property replacement tax or income tax.

Example 2. Same facts as in the Example 1 in subsection (d)(6) above except in 1987 Corporation A transferred its eligible property (originally purchased for \$200,000, in 1985) to Corporation B. Corporation B was acquired by Corporation C in 1987 and, immediately afterward, B sold all the eligible property (originally purchased for a total of \$300,000) to an unrelated third party. B and C file a combined return for that year and they must increase their tax liability by \$1,000 due to the credit that was allowed on the combined return filed by A and B in 1985.

e) Ineligible members. If an election is in effect and the unitary business group contains an ineligible member (i.e., an S Corporation or, for years ending prior to December 31, 1987, a corporation with a different taxable year), the ineligible member shall file a separate unitary return. The taxable income of the members that joined in the election shall be their combined taxable income as determined under subsection(a)(1) of this Section. If a corporation is ineligible because it has a different taxable year, it shall use either method of accounting available to part-year members and set forth in subsection(f)(2) of this Section. If two or more corporations are ineligible because they have an accounting period that is different from other members making the election, they may elect to file their own combined return if they have the same taxable year. The foregoing rule also applies in the case of erroneous inclusion of a member in a group otherwise required to file a combined return.

f) Part-year members

1) General rule. If a corporation becomes a member of a unitary business group after the beginning of the combined return year or ceases to be a member of the unitary business group during the combined return year, two tax returns will be affected for that taxable year. The combined return shall include the separate company items of such corporation for the part of the year it was a member of the unitary business group. Separate company items of

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a part-year member for any portion of its taxable year prior to the date it joins or after the date it leaves the unitary business group shall either be reported in a short-year separate return filed by such part-year member (if it is subject to Illinois income tax during that period) or included in any combined return filed on behalf of a unitary business group to which such part-year member belongs during that portion of the year.

2) Accounting. The part-year member shall use either Method 1 or Method 2 (described in Section 100.5265(b) of this Part) to determine its separate company items for the portion of the year before it becomes a member and the portion of the year after it becomes a member of the combined group.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 1) Heading of the Part: Public List of Delinquent Taxpayers
- 2) Code Citation: 86 Ill. Adm. Code 710
- 3) Section Numbers: Proposed Action:  
710.20 Amendment
- 4) Statutory Authority: 20 ILCS 2505
- 5) A Complete Description of the Subjects and Issues Involved: The regulation is amended due to the passage of P.A. 92-197, which decreased the threshold by which the Department is able to publish a list of delinquent taxpayers from \$10,000 to \$1,000. This amendment reflects this change, which is effective January 1, 2002.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Melanie A. Jarvis  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-6996

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any taxpayer delinquent in tax liability of \$1,000 or more is affected.
- B) Reporting, bookkeeping or other procedures required for compliance: Payment of taxes will keep a taxpayer from having his name published.

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was an unanticipated legislative change to existing law. See P.A. 92-197.

The full text of the Proposed Amendments begins on the next page:



DEPARTMENT OF REVENUE  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE  
PART 710  
PUBLIC LIST OF DELINQUENT TAXPAYERS

Section	Definitions
710.10	Development of the Notice List of Delinquent Taxpayers
710.20	Notification of Delinquent Taxpayers
710.30	Grace Period
710.40	Publication of the Annual List of Delinquent Taxpayers
710.50	Periodic Updates

AUTHORITY: Implementing and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Emergency rules adopted at 23 Ill. Reg. 3521, effective March 4, 1999, for a maximum of 150 days; emergency expired August 1, 1999; adopted at 23 Ill. Reg. 12460, effective September 22, 1999; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 710.20 Development of the Notice List of Delinquent Taxpayers

- a) Prior to the disclosure of a delinquent taxpayer under the Act, the Department will deem the taxpayer delinquent and subject to disclosure under the Act, based upon the following criteria:
- 1) The taxpayer is delinquent in the payment of a final tax liability collected by the Department; and
  - 2) Prior to January 1, 2002, the taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than \$10,000. On and after January 1, 2002, the taxpayer's final tax liability for all taxes collected by the Department (including penalties and interest) is greater than \$1,000; and
  - 3) At least 6 months have passed from the time that the final tax liability was assessed or became final, as provided in the statute imposing the tax.
- Taxpayers meeting each of these criteria shall be deemed "delinquent taxpayers" subject to disclosure.
- b) The Department will create and maintain the Notice List consisting of all taxpayers meeting these criteria.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
  - 2) Code Citation: 86 Ill. Adm. Code 530
  - 3) Section Numbers:  
530.116 Amendment  
530.120 Amendment  
530.155 Amendment
  - 4) Statutory Authority: 320 ILCS 25/4(f), 4.1, and 5(a) (see Public Act 92-0131 (effective July 23, 2001))
  - 5) A Complete Description of the Subjects and Issues Involved: Updates provisions as required by enactment of Public Act 92-0131 as follows:  
  
530.116: Clarifies card fees for pharmaceutical assistance coverage during conversion of program to a fiscal year basis.  
  
530.120: Clarifies effective dates of coverage during conversion of program to a fiscal year basis.  
  
530.155: Adds language authorizing disclosure of information on individuals who receive health coverage, pharmaceutical benefits, or related services from entities subject to the Illinois Insurance Code, Comprehensive Health Insurance Plan Act, Dental Service Plan Act, Children's Health Insurance Program Act, Health Care Purchasing Group Act, Health Maintenance Organization Act, Limited Health Service Organization Act, Voluntary Health Services Plans Act, and Workers' Compensation Act.
  - 6) Will this proposed amendment replace an emergency rule currently in effect? No
  - 7) Does this rulemaking contain an automatic repeal date? No
  - 8) Does this proposed amendment contain incorporations by reference? No
  - 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation        |
|-----------------|-----------------|-----------------------------|
| 530.10          | Amendment       | 07/06/01, 25 Ill. Reg. 8134 |
| 530.110         | Amendment       | 07/06/01, 25 Ill. Reg. 8134 |
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
  - 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed

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rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karen Alice Kloppe  
Associate Counsel - Property Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
217/782-6996

(2) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any entity providing health coverage, pharmaceutical benefits, or related services that is subject to the Illinois Insurance Code, Comprehensive Health Insurance Plan Act, Dental Service Plan Act, Children's Health Insurance Program Act, Health Care Purchasing Group Act, Health Maintenance Organization Act, Limited Health Service Organization Act, Voluntary Health Services Plans Act, and Workers' Compensation Act.

B) Reporting, bookkeeping or other procedures required for compliance: Affected entities must disclose information on individuals who receive health coverage, pharmaceutical benefits, or related services to the Department or its designee.

C) Types of professional skills necessary for compliance: Review records and disclose information as required by the Department or its designee to ensure compliance with the requirements of the Act and to prevent fraud.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: Public Act 92-0131 was enacted after their completion.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF REVENUE

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TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 530

## SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND PHARMACEUTICAL ASSISTANCE ACT

Section	
530.101	Purpose of the Pharmaceutical Assistance Program
530.105	Definitions
530.110	Covered Prescription Drugs
530.115	Eligibility Qualifications
530.116	Fees and Co-payments
530.117	Claim Filing Procedures
530.120	Cards
530.125	Determination of Cost of Covered Prescription Drugs
530.130	Authorized Pharmacy Qualifications
530.135	Assignment and Coordination of Benefits
530.140	Payments to Authorized Pharmacies
530.145	Execution of Contracts
530.150	Limitation on Prescription Size
530.155	Inspection and Disclosure of Records
530.160	Establishment of Liens
530.165	Penalties

**AUTHORITY:** Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act [320 ILCS 25].

**SOURCE:** Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989; amended at 17 Ill. Reg. 11566, effective July 8, 1993; amended at 22 Ill. Reg. 19929, effective October 28, 1998; amended at 24 Ill. Reg. 17562, effective November 16, 2000; emergency amendment at 25 Ill. Reg. 8449, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 530.116 Fees and Co-payments**

## a) Fees

1) An applicant must pay a fee to the Department for a card as follows:

- A) Prior to January 1, 2001, an applicant must pay \$40 for a card if his or her household income for a claim year is below the poverty line.
- B) Prior to January 1, 2001, an applicant must pay \$80 for a card if his or her household income for a claim year is at or above the poverty line.
- C) Beginning January 1, 2001, an applicant must pay \$5 for a card if his or her household income for a claim year is

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below the poverty line.

- D) Beginning January 1, 2001, an applicant must pay \$25 for a card if his or her household income for a claim year is at or above the poverty line. [320 ILCS 25/4(f)]
- 2) The term "poverty line" means the official poverty line as defined by the Federal Office of Management and Budget at 42 USC 9902(2).

- 3) Fees paid for cards will not be prorated if coverage is valid for a longer or shorter period than one year as determined by the Department in converting coverage to a fiscal year basis.

Covered Prescription Drug Co-payments

- b) Covered Prescription Drug Co-payments must make co-payments to an authorized pharmacy for covered prescription drugs as follows:

- A) A beneficiary who pays \$40 for a card must pay a deductible equal to the first \$15 of total prescription costs each month until the accumulated total paid by this program reaches \$800 for a State fiscal year prior to the 2001 State fiscal year. For the portion of the 2001 State fiscal year from July 1, 2000 through December 31, 2000, after the accumulated total of \$800 has been reached, the beneficiary must pay the first \$15 of total prescription costs each month plus a co-payment equal to 20% of the cost of each prescription for which payments are made by this program. For the portion of the 2001 State fiscal year from January 1, 2001 through June 30, 2001, after the accumulated total of \$2,000 (which includes the accumulated total of \$800 or less for the period from July 1, 2000 through December 31, 2000) for the entire 2001 State fiscal year has been reached, the beneficiary must pay a co-payment equal to 20% of the cost of each prescription for which payments are made by this program for the remainder of the State fiscal year. For all subsequent State fiscal years after the 2001 State fiscal year, after the accumulated total of \$2,000 for the State fiscal year has been reached, the beneficiary must pay a co-payment equal to 20% of the cost of each prescription for which payments are made by this program for the remainder of the State fiscal year. [320 ILCS 25/4(f)]
- B) A beneficiary who pays \$80 for a card must pay a deductible equal to the first \$25 of total prescription costs each month until the accumulated total paid by this program reaches \$800 for a State fiscal year prior to the 2001 State fiscal year. For the portion of the 2001 State fiscal year from July 1, 2000 through December 31, 2000, after the accumulated total of \$800 has been reached, the beneficiary must pay the first \$25 of total prescription costs each month plus a co-payment equal to 20% of the cost of each prescription for which payments are made by this program. For the portion of the 2001 State fiscal year from January

- 1, 2001 through June 30, 2001, after the accumulated total of \$2,000 (which includes the accumulated total of \$800 or less for the period from July 1, 2000 through December 31, 2000) for the entire 2001 State fiscal year has been reached, the beneficiary must pay \$3 for each prescription plus a co-payment equal to 20% of the cost of each prescription for which payments are made by this program for the remainder of the State fiscal year. For all subsequent State fiscal years after the 2001 State fiscal year, after the accumulated total of \$2,000 for the State fiscal year has been reached, the beneficiary must pay \$3 for each prescription plus a co-payment equal to 20% of the cost of each prescription for which payments are made by this program for the remainder of the State fiscal year. [320 ILCS 25/4(f)]

- C) Beginning with the portion of the 2001 State fiscal year from January 1, 2001 through June 30, 2001, and for all subsequent State fiscal years, a beneficiary who pays \$5 for a card will pay no additional prescription costs until the accumulated total paid by this program reaches \$2,000 for the State fiscal year, at which point the beneficiary must pay a co-payment equal to 20% of the cost of each prescription paid by this program for the remainder of the State fiscal year.

- D) Beginning with the portion of the 2001 State fiscal year from January 1, 2001 through June 30, 2001, and for all subsequent State fiscal years, a beneficiary who pays \$25 for a card must pay \$3 for each prescription until the accumulated total paid by this program reaches \$2,000 for the State fiscal year, at which point the beneficiary must continue to pay \$3 for each prescription plus a co-payment equal to 20% of the cost of each prescription paid by this program for the remainder of the State fiscal year. [320 ILCS 25/4(f)]

- 2) A beneficiary also must pay to an authorized pharmacy an ancillary charge for any covered prescription drug that is a brand name product if the pharmacy is reimbursed at the generic price as provided in Section 530.125(d)(2).

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 530.120 Cards**

- a) A card containing, at a minimum, the following information, will be issued to each beneficiary:
- 1) name of beneficiary;
  - 2) identification number;



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- 3) effective date of coverage; and  
4) expiration date of coverage.  
b) A card will not be valid for more than one year from the effective date of coverage; however unless, beginning January 1, 2002, the coverage may be it is extended or restricted for a longer or shorter up-to-a-six-month period of time in order to enable so--that the Department to convert coverage for a beneficiary to a fiscal year basis and will have an opportunity to check for erroneous or fraudulent claims. [320 ILCS 25/5(a)]

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 530.155 Inspection and Disclosure of Records

- a) In order to ensure compliance with the requirements of the Act and to prevent fraud, the Department, or its designee, shall have the right:  
1) to inspect the books and records of all authorized pharmacies in order to ensure compliance with the requirements of the Act and to prevent fraud. [320 ILCS 25/6(d)(5)]  
2) to require disclosure of information on individuals who receive health coverage, pharmaceutical benefits, or related services as policyholders, subscribers, or plan participants from entities subject to the Illinois Insurance Code [215 ILCS 5/1, Comprehensive Health Insurance Plan Act [215 ILCS 105], Dental Service Plan Act [225 ILCS 25], Children's Health Insurance Program Act [215 ILCS 106], Health Care Purchasing Group Act [215 ILCS 123], Health Maintenance Organization Act [215 ILCS 125], Limited Health Service Organization Act [215 ILCS 130], Voluntary Health Services Plans Act [215 ILCS 165], and Worker's Compensation Act [820 ILCS 305]. (See 320 ILCS 25/4.1.)  
b) Information received by the Department or its designee shall be confidential except for official purposes and as otherwise provided in the Act.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses  
2) Code Citation: 77 Ill. Adm. Code 2060  
3) Section Numbers: Adopted Action:  
2060.103 Amended  
2060.203 Amended  
2060.205 Amended  
2060.211 Amended  
2060.229 New  
2060.303 Amended  
2060.305 Amended  
2060.309 Amended  
2060.311 Amended  
2060.313 Amended  
2060.315 Amended  
2060.317 Amended  
2060.325 Amended  
2060.401 Amended  
2060.405 Amended  
2060.407 Amended  
2060.409 Amended  
2060.413 Amended  
2060.415 Amended  
2060.417 Amended  
2060.423 Amended  
2060.425 Amended  
2060.427 Amended  
2060.501 Amended  
2060.503 Amended  
2060.505 Amended  
2060.509 Amended

- 4) Statutory Authority: Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5] and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].  
5) Effective Date of Amendments: August 14, 2001  
6) Do these amendments contain an automatic repeal date? No  
7) Do these amendments contain incorporations by reference? Yes  
8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.



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9) Notice of Proposal Published in Illinois Register:

April 6, 2001, 25 Ill. Reg.4742

10) Has JCAR Issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version:

In Section 2060.103, in the definition of "ASAM Patient Placement Criteria", changed "Second" to "Fourth" and after "(ASAMPPC-2R)", added "4601 North Park Avenue, Upper Arcade Suite 101, Chevy Chase MD 20815". Also, deleted the added comma and struck "Chevy Chase, MD".

In the definition of "Authorized Prescriber", after "1301.25", added "32000".

Added the definition of "CDC Tuberculosis Guidelines means "Guidelines for Preventing The Transmission of Mycobacterium Tuberculosis in Health Care Facilities94, MMWR 1994 (no. RR13)."

In the definition of "Substance Abuse and Dependence", after "(DSM-IV)", added "1400 K Street NW", struck the comma after "D.C.", and added "20005" and struck "American Psychiatric Association".

Added the following reference after "Tuberculosis Services":

"U.S. Drug Enforcement Administration rules and regulation pertaining to medical dispensary services" means 21 CFR 1301.71-1302.76, 1304 and 1307.2 (2000)."

"Universal Precautions" means the following guidelines published by the U.S. Center for Disease Control and Prevention:

"Recommendations for Prevention of HIV Transmission in Health Care Settings", MMWR 1987; 36(25); and

"Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings", MMWR 1988; 37(no. 24)."

In Section 2060.203(e), deleted "ten" and added "10".

In Section 2060.303(d), deleted "where" and added "when" and changed "allowed" to "implemented by the provider or are subsequently prohibited by State or federal statute".

In Section 2060.305, struck "(National Fire Protection Association, 1 Battery March Park, Quincy, MA 02269" and deleted "no later amendments or

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editions included" and the closing)".

In Section 2060.309(e)(1), left "after" in before "the date" and added "of" and deleted "after" following "the date".

In Section 2060.309(h)(2), capitalized "Alcohol and Other Drug Abuse".

In Section 2060.410(d), after "Inpatient", added "Subacute" and struck the slash.

In Section 2060.410(e), before "Residential" added "Inpatient Subacute" and struck "Residential" and added "residential".

In Section 2060.410(f), after "Administration", added "(see Section 2060.103)" and struck "(21 CFR 1301.71-1301.76, 1304, and 1307.2 (1989" and struck both parentheses.

In Section 2060.415, after "with", added "in", deleted the semicolon, struck "MMWR 1987; 36(no.25)", deleted the comma and struck "known as "Universal Precautions", changed the semicolon to a comma, struck "MMWR 1988; 37(no.24)" before "and", added "both known as "Universal Precautions", struck "with" and added "2)" before "Department", added "U.S.", and after "31030", added "(2000)" and deleted "no later amendments or editions of these incorporated materials are included."

In Section 2060.415(b), before "Guidelines" added opening quotation marks, after "Facilities", added closing quotation marks, struck "MMWR 1994 (no. RR13)" and deleted "no later amendments or editions included" and struck "hereafter", and after "CDC", added "Tuberculosis".

In Section 2060.415(b)(2)(A), after "CDC", added "Tuberculosis".

In Section 2060.415(b)(3)(E), after "CDC", added "Tuberculosis".

In Section 2060.417(b)(3), struck ", Fourth Edition, Washington, D.C.: American Psychiatric Association".

In Section 2060.423(a), after the second "and", added "this measurement".

In Section 2060.503(g)(4)(A), added "(before regardless and" after "record".

In Section 2060.503 (h)(2), deleted "twelve" and added "12".

In Section 2060.505(1), deleted "Such" and added "The".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: This proposed rulemaking grants greater flexibility in treatment plan reviews and progress notes, which allow clinicians more time to provide direct services and to help off-set some of the other mandates contained in this Part. The proposed amendments allow greater flexibility in delivering services off-site from the licensed location, which is more compatible with other program practices. The amendments contain a "deemed" status provision for providers who have received certain specific national accreditations relative to substance abuse services.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of adopted amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER X: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: LICENSURE

## PART 2060

ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT  
AND INTERVENTION LICENSES

## SUBPART A: GENERAL REQUIREMENTS

Section  
2060.101 Applicability  
2060.103 Incorporation by Reference and Definitions

## SUBPART B: LICENSURE REQUIREMENTS

Section  
2060.201 Types of Licenses  
2060.203 Off-Site Delivery of Services  
2060.205 Unlicensed Practice  
2060.207 Organization Representative  
2060.209 Ownership Disclosure  
2060.211 License Application Forms  
2060.213 License Application Fees  
2060.215 Period of Licensure  
2060.217 License Processing/Review Requirements  
2060.219 Renewal of Licensure  
2060.221 Change of Ownership/Management  
2060.223 Dissolution of the Corporation  
2060.225 Relocation of Facility  
2060.227 License Certificate Requirements  
2060.229 Deemed Status

## SUBPART C: REQUIREMENTS - ALL LICENSES

Section  
2060.301 Federal, State and Local Regulations and Court Rules  
2060.303 Rule Exception Request Process  
2060.305 Facility Requirements  
2060.307 Service Termination/Record Retention  
2060.309 Professional Staff Qualifications  
2060.311 Staff Training Requirements  
2060.313 Personnel Requirements and Procedures  
2060.315 Quality Improvement  
2060.317 Service Fees  
2060.319 Confidentiality - Patient Information  
2060.321 Confidentiality - HIV Antibody/AIDS Status  
2060.323 Patient Rights

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2060.325 Patient/Client Records  
 2060.327 Emergency Patient Care  
 2060.329 Referral Procedure  
 2060.331 Incident and Significant Incident Reporting  
 2060.333 Complaints  
 2060.335 Inspections  
 2060.337 Investigations  
 2060.339 License Sanctions  
 2060.341 License Hearings

## SUBPART D: REQUIREMENTS - TREATMENT LICENSES

Section  
 2060.401 Levels of Care  
 2060.403 Court Mandated Treatment  
 2060.405 Detoxification  
 2060.407 Group Treatment  
 2060.409 Patient Education  
 2060.411 Recreational Activities  
 2060.413 Medical Services  
 2060.415 Infectious Disease Control  
 2060.417 Patient Placement  
 2060.419 Assessment for Treatment Planning  
 2060.421 Treatment Plans  
 2060.423 Continued Stay Review  
 2060.425 Progress Notes and Documentation of Service Delivery  
 2060.427 Continuum Recovery Planning and Discharge

## SUBPART E: REQUIREMENTS - INTERVENTION LICENSES

Section  
 2060.501 General Requirements  
 2060.503 DUI Evaluation  
 2060.505 DUI Risk Education  
 2060.507 Designated Program  
 2060.509 Recovery Homes

**AUTHORITY:** Implementing and authorized by the Illinois Vehicle Code [625 ILCS 5) and the Alcoholism and Other Drug Dependency Act [20 ILCS 301].

**SOURCE:** Adopted at 20 Ill. Reg. 13519, effective October 3, 1996; recodified from Department of Alcoholism and Substance Abuse to Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 23 Ill. Reg. 4488, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10803, effective August 23, 1999; amended at 25 Ill. Reg. ~~11063~~ 142001.

SUBPART A: GENERAL REQUIREMENTS

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## Section 2060.103 Incorporation by Reference and Definitions

"Act" means the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301].

"Admission" means what occurs after a patient has completed an assessment, received placement into a level of care, and been accepted for and begins such treatment.

"Adolescent" means a person who is at least 12 twelve years of age and under 18 eighteen years of age.

"Adult" means a person who is 18 eighteen years of age or older.

"Alcohol and Drug Evaluation Report Summary" means the form, developed by the Office of the Secretary of State and required for use by the Illinois courts when granting judicial driving privileges, as defined in Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201].

"Alcohol and Drug Evaluation Uniform Report" means the form, mandated by the Department and produced from the DUI Service Reporting System (DSRS), that is required to report a summary of the DUI evaluation to the circuit court or the Office of the Secretary of State.

"Americans with Disabilities Act of 1990 (ADA)" 42 USC 12101, is the federal law requiring means that in accordance with 42-USE-1101 that public accommodations offer their services equally to persons without discrimination based on disabilities. An organization may not deny its services, offer unequal services or separate services, or have policies and procedures that which have a discriminatory effect based on a disability, and shall remove barriers where possible and provide alternatives where not possible.

"ASAM Patient Placement Criteria" means the American Society of Addiction Medicine's Patient Placement Criteria Medicine--Patient Placement--criteria for the Treatment treatment of Substance-Related Disorders, Fourth Edition (ASAMPPC-2R) 4601 North Park Avenue, Upper Arcade Suite 101, Chevy Chase MD 20815 psychoactive-substance-use disorders-published-as-the-American-Society--of-Addiction-Medicine (2001, no later amendments or editions included 1996)---Patient Placement--Criteria--for-the-treatment-of-Substance-Related-Disorders Second-Edittion--(ASAM-PPC-2R)- Chevy-Chase-MD--The-Society.

"Assessment" means the process of collecting and professionally interpreting data and information from an individual and/or collateral sources, with the individual's permission, about alcohol and other drug use and its consequences as a basis for establishing a diagnosis



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of a substance use disorder, determining the severity of the disorder and comorbid conditions and identifying the appropriate level and intensity of substance abuse treatment, as well as needs for other services.

"Associate Director" means the Associate Director of the Department of Human Services Office of Alcoholism and Substance Abuse (OASA).

"Authorized Prescriber" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] or a physician under federal authority who issues prescriptions pursuant to 21 CFR 1301.25 [2000] †1987†.

"Authorized Organization Representative" means the individual in whom authority is vested for the management, control and operation of all services at a facility and for communication with the Department regarding the status of the organization's licenses at that facility.

"CDC Tuberculosis Guidelines" means "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities", MMWR 1994 (no. RR13).

"Case Management" means the provision, coordination, or arrangement of ancillary services designed to support a specific patient's substance abuse treatment with the goal of improving clinical outcomes.

"Chemical Test" means, in the context of intervention services, a breath, blood or urine test that measures the blood alcohol concentration (BAC) and/or drug concentration.

"Client" means a person who receives intervention services as defined in this Part.

"Clinical Services" means substance abuse assessment, individual or group counseling, and discharge planning. The organization may also determine that other specified activities require the services of a professional staff member.

"Continuing Recovery Care Plan" means a plan developed with the patient prior to discharge that identifies recommended activities, support groups, referrals and any other necessary follow-up activities that will support and enhance patient progress, to date.

"Continuum of Care" means a structure of interlinked treatment services (either offered by one organization or through linkage agreements with other organizations) that is designed so a patient's changing needs will be met as that individual moves through the treatment and recovery process.

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"Controlled Substance" means a drug or substance, or immediate precursor, that which is enumerated in the Schedules of Article II of the Illinois Controlled Substances Act [720 ILCS 570] and in the Cannabis Control Act [720 ILCS 550].

"Deemed Status" means an exemption from routine inspection for specified Sections of this Part based upon the organization's accreditation from a national accrediting body recognized by the Department.

"Department" means the Department of Human Services.

"Detoxification" means the process of withdrawing a person from a specific psychoactive substance in a safe and effective manner.

"Discharge" means the point at which the patient's treatment is terminated either by successful completion or by some other action initiated by the patient and/or the organization.

"Drunk and Drugged Driving Prevention Fund" means a special fund in the State Treasury created by Section 50-20 of the Alcoholism and Other Drug Abuse and Dependency Act out of which the Department may provide reimbursement for DUI evaluation and risk education services to indigent DUI offenders pursuant to this Part, and that which it may also use to enhance and support its regulatory inspections and investigations.

"DUI" means driving while under the influence of alcohol, other drugs or combination thereof as defined in the Illinois Vehicle Title and Registration Law [625 ILCS 5/Ch. 2-5] or a similar provision of a local ordinance.

"DUI Evaluation" means the service provided to a person relative to a DUI offense in order to determine the nature and extent of the use of alcohol or other drugs as required by the Unified Code of Corrections [730 ILCS 5] and Section 6-206.1 of the Illinois Driver Licensing Law [625 ILCS 5/6-206.1].

"DUI Service Reporting System (DSRS)" means the computer software that shall be utilized to summarize all evaluation and risk education service statistics semi-annually and to produce the "Alcohol and Drug Evaluation Uniform Report" and other associated forms.

"Early Intervention" means services that are sub-clinical or pre-treatment and are designed to explore and address problems or risk factors that appear to be related to substance use and/or to assist individuals in recognizing the harmful consequences of inappropriate substance abuse.

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"Facility" means the building or premises that which are used for treatment and intervention services as specified in this Part.

"Good Cause" means conditions that would prevent a reasonable licensee from meeting one or more of the requirements of this Part.

"Incident" means any action by staff or patients that led, or is likely to lead, to adverse effects on patient services ~~because--of--a deviation--from--established--patient--care--procedures.~~

~~"Indigency-Fee"--means--a--minimum--of--ten--percent--but--no--more--than--thirty percent--of--the--rate--established--by--the--Department--for--the--DUI evaluation--or--DUI--risk--education--service--and,--if--applicable--the difference--between--the--fee--charged--for--the--service--and--the--Department rate--established--for--that--service.~~

"Indigent DUI Offender" means anyone who has proven inability to pay the full cost of the DUI evaluation or risk education service as determined through criteria established by the U.S. Department of Health and Human Services and published in the Federal Register and whose uncollected costs for such DUI services may be reimbursed from the Drunk and Drugged Driving Prevention Fund, subject to availability of such funds.

"Individual Counseling" means a therapeutic interaction between a patient and professional staff that includes but is not limited to the following: assessment of the patient's needs; development of a treatment plan to meet those identified needs; continual assessment of patient progress toward identified treatment plan goals and objectives; referral, if necessary; and discharge planning.

"Informed Consent" means a legally valid written consent by an individual or legal guardian that which authorizes treatment, intervention or other services or the release of information about the individual, and that which gives appropriate information to the individual so that he or she can authorize the service or disclosure with understanding of the consequences.

"Intervention" means activities or services that which assist persons and their significant others in coping with the immediate problems of substance abuse or dependence and in reducing their substance use. Such services facilitate emotional and social stability and involve referring persons for treatment, as needed.

"Investigational New Drugs" means those substances that which require approval by the U.S. Food and Drug Administration for trials with human subjects pursuant to 21 CFR 312 [2000] (1996).

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"LAAM" means levo-alpha-acetyl-methadol that which is a synthetic opioid agonist whose opioid effect is slower in onset and longer in duration (72 hours) than methadone and that which is used in opioid maintenance therapy.

"Life Safety Code of 2000" means the National Fire Protection Association's Life Safety Code of 2000, National Fire Protection Association, 1 N. Batterymarch Park, Quincy MA 02269 (2000, no later amendments or editions included).

"Linkage Agreement" means a written agreement with an external organization to supplement existing levels of care and to arrange for other specialty services not directly provided by the organization.

"Methadone" means a synthetic narcotic analgesic drug (4,4-diphenyl-6-dimethylamino-heptanone-3-hydrochloride) that which is used in opioid maintenance therapy.

"Mission Statement" means the reason for existence for the organization and/or specific setting or service.

"Opioid Maintenance Therapy (OMT)" means the medical prescription, medical monitoring and dispensing of opioid compounds (such as Methadone and LAAM) as a medical adjunct to substance abuse treatment.

"Off-Site Delivery of Services" means licensable services that which are delivered conducted at a location separate from the licensed facility.

"Organization" means any public or private agency, corporation, unit of State or local government or other legal entity acting individually or as a group that which seeks licensure or is licensed to operate one or more substance abuse treatment or intervention services.

~~"Organization-Representative"--means--the--individual--in--whom--authority is--vested--for--the--management--control--and--operation--of--all--services--at a--facility--and--for--communication--with--the--Department--regarding--the status--of--the--organization's--license(s)--at--that--facility.~~

"Patient" means a person who receives substance abuse treatment services as defined in this Part from an organization licensed hereunder.

"Person" means any individual, firm, group, association, partnership, corporation, trust, government or governmental subdivision or agency.

"Physician" means a person who is licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS

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601.

"Practitioner" means a physician, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise permitted by the United States pursuant to 21 CFR 1301.21 (1996) and this State to distribute or dispense in accordance with Section 312 of the Illinois Controlled Substances Act [720 ILCS 510], conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

"Professional Staff" means any person who provides clinical services or who delivers intervention services as defined in this Part.

"Psychiatrist" means a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of the Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Recovery Home" means alcohol and drug free housing authorized by an intervention license issued by the Department, whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may still be receiving such treatment services at another licensed facility.

"Relapse" means a process manifested by a progressive pattern of behavior that reactivates the symptoms of a disease or creates debilitating conditions in an individual who has experienced remission from addiction.

"Residential Extended Care" (formerly halfway house) means residential clinical services for adults (17 year olds may be admitted provided that their assessment includes justification based on their behavior and life experience) or adolescents provided by professional staff in a 24 hour structured and supervised treatment environment. This type of service is primarily designed to provide residents with a safe and stable living environment in order to develop sufficient recovery skills.

"Revocation" means the termination of a treatment or intervention license, or any portion thereof, by the Department.

"Risk" means, in the context of intervention services, the designation (minimal, moderate, significant, or high) assigned to a person who has completed a substance abuse evaluation as a result of a charge for DUI

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that which describes the person's probability of continuing to operate a motor vehicle in an unsafe manner. This assignment is based upon the following factors: the nature and extent of the person's substance use; chemical testing results; prior dispositions for DUI, statutory summary suspensions or reckless driving convictions reduced from a DUI; and any other significant dysfunction resulting from substance use or dependence.

"Secretary" means the Secretary of the Department of Human Services or his or her designee.

"Significant Incident" means any occurrence at a licensed facility that requires the services of the coroner and/or that which renders the facility inoperable.

"Significant Other" means the spouse, immediate family member, other relative or individual who interacts most frequently with the patient in a variety of settings and who may also receive substance abuse services.

"Substance Abuse or Dependence" means maladaptive patterns of substance use leading to a clinically significant impairment or distress as defined in the American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders Fourth Edition (DSM-IV), 1400 K Street NW, Washington, DC 20005 American Psychiatric Association (1994, no later amendments or editions included).

"Support Staff" means any staff the clerical, administrative, and management personnel who do not deliver clinical or intervention services.

"Transfer" means the process that occurs when a patient can no longer receive services at an organization because the appropriate level of care is not available, or the movement of the patient from one level of care to another within an organization's continuum of care.

"Treatment" means a continuum of care provided to persons addicted to or abusing alcohol or other drugs that is designed to identify and change patterns of behavior that are maladaptive, destructive and/or injurious to health; or to restore appropriate levels of physical, psychological, and/or social functioning.

"Treatment Plan" means an individually written plan for a patient that which identifies the treatment goals and objectives based upon a clinical assessment of the patient's individual problems, needs, strengths and weaknesses.

"Tuberculosis Services" means counseling the person regarding



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tuberculosis; testing to determine whether the person has been infected with mycobacteria tuberculosis to determine the appropriate form of treatment; and providing for or referring the infected person for appropriate medical evaluation and treatment.

"U.S. Drug Enforcement Administration rules and regulations pertaining to medical dispensary services" means 21 CFR 1301.71-1301.76, 1304, and 1307.2 (2000).

"Universal Precautions" means the following guidelines published by the U.S. Center for Disease Control and Prevention:

"Recommendations for Prevention of HIV Transmission in Health Care Settings", MMWR 1987;36 (2S); and

"Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health Care Settings, MMWR 1988;37 (no. 24).

"Utilization Review" means a quality protective function that which attempts to ensure that the patient is receiving an appropriate level of services, in accordance with assessed clinical conditions. Utilization review activities focus primarily in four major areas:

the appropriateness and clinical necessity of admitting a patient to a level of care;

the appropriateness and clinical necessity of continuation of the initiated level of care;

the initiation and completion of timely discharge planning; and

the appropriateness and clinical necessity and timelines of support services.

(Source: Amended at 25 Ill. Reg. 110637 effective AUG 14 2001)

## SUBPART B: LICENSURE REQUIREMENTS

## Section 2060.203 Off-Site Delivery of Services

a) Licensure shall be facility specific; however, treatment or intervention services may be offered off-site when good cause is established by the organization for an exception to be granted by the Department in accordance with Section 2060.303 of this Part and the criteria outlined in subsection (d) of this Section.

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b) The exception process for off-site delivery of services shall not be required for: apply-to

- 1) patient or client emergency situations; where prior approval cannot be obtained or to
- 2) services delivered in jails, schools, or hospitals or facilities or offices owned or operated by the State of Illinois or any local governmental entity, with the exception of Illinois Department of Corrections facilities and city or county operated jails and detention centers;
- 3) court ordered service to an individual in jail;
- 4) early intervention services; or
- 5) case management services.

However, in such cases, the rationale and location for the provision of the off-site service shall be documented in the patient record and any patient record utilized or stored at the off-site location shall be done so in accordance with the provisions specified in Section 2060.319 of this Part.

c) In order to receive an exception for off-site services the licensed organization shall submit a request to the Department at least 30 calendar days prior to the anticipated provision of such services. The request shall include the following:

- 1) the legal name, address and telephone number of the off-site location;
- 2) the services that will be provided at the off-site location;
- 3) the days of the week and hours when each service will be provided;
- 4) the legal name, address, telephone number and license number of the organization that will operate and provide supervision for the services;
- 5) the names of professional staff who will provide the services;
- 6) the reason for the provision of services at the off-site location; and
- 7) the numbers of individuals to be served.

d) In determining whether the provision of off-site service shall be allowed, the Department shall consider, but not be limited to, appropriate factors such as:

- 1) the ability to provide the environment required for the level of care;
  - 2) the gravity of the reason that service at the licensed location is not acceptable (transportation requirements, sickness, etc.);
  - 3) availability of necessary support functions at the off-site location;
  - 4) ability to provide professional environment at the off-site location;
  - 5) physical safety of the patient; and
  - 6) compliance with applicable State and federal regulations.
- e) The Department shall also be notified of any change in the provision of off-site services at least 10 ten calendar days prior to any change

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- in such services.
- f) Failure to report such information to the Department shall result in the unlicensed practice of services at such locations.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.205 Unlicensed Practice

- a) Whenever the Department determines that an unlicensed organization or person is engaging in activities that which require licensure, pursuant to the specifications in Section 2060.101 of this Part, it shall issue an order to that organization or person to cease and desist from engaging in the activity. The order shall specify the particular services that which require licensure, and shall include citation of relevant Sections of the Act and this Part.
- b) The Department's order shall be accompanied by a notice that which instructs the recipient that written documentation may be submitted to the Department within 10 ten calendar days to support a claim that licensure is not required, or that the recipient is properly authorized to conduct the services.
- c) After the expiration of the 10 ten day period, if the Department believes that the organization of unlicensed person is continuing to provide services that require licensure, the matter shall be referred to the appropriate State's Attorney or to the Office of the Attorney General for prosecution.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.211 License Application Forms

- a) An application for a license, an application to renew a license, an application to relocate a facility or an application to add an additional level of care or category (adolescent/adult) shall be made on forms specified by the Department. The organization shall provide any and all information requested on the application forms.
- b) Such forms may be obtained in person or by writing to:

Illinois Department of Human Services  
Office of Alcoholism and Substance Abuse  
160-N-Basiley-Suite-N706  
100 W. Randolph St., Suite 5-600  
Chicago, Illinois 60601  
Attention: Division of Licensing and Certification Monitoring  
4347-014-4719

or

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Illinois Department of Human Services  
222-S-Cottenger-2nd-floor  
Springfield-Illinois-62704  
Attention: Division of Licensing and Monitoring  
4217-702-8685

- c) An application for a license shall be signed and dated by the organization representative, and at least two of the corporate officers in the case of a corporate applicant, or by all partners or associates in the case of a partnership or association.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.229 Deemed Status

- a) The Department shall grant deemed status to specified Sections of this Part to any organization that has received national accreditation for its substance abuse services from any of the following accrediting bodies:
- 1) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO);
  - 2) The Commission on Accreditation of Rehabilitation Facilities (CARF);
  - 3) The Council on Accreditation of Services for Families and Children (COA).
- b) Deemed status shall be granted by accredited site.
- c) The specific Sections of this Part for which deemed status shall be granted will be determined annually by OASA relative to each accrediting body. Organizations shall be notified at the beginning of each fiscal year concerning the deemed status determination for their applicable sites based upon the following criteria:
- 1) a review of the most recent survey results from the accrediting body;
  - 2) evidence of one complete licensure survey relative to all Sections of this Part and demonstrated compliance for a minimum of two years thereafter;
  - 3) certification from the organization that it will maintain compliance with all applicable standards under which it is accredited; and
  - 4) certification from the organization that it will immediately notify the Department if accreditation is revoked.
- d) Organizations shall be granted deemed status according to the exception process specified in Section 2060.303(f) of this Part.
- e) The Department reserves the right to inspect and determine compliance with all aspects of this Part, regardless of deemed status, should evidence warrant such inspection.
- f) The Department reserves the right to revoke deemed status should

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evidence warrant that revocation.

{Source: Added at 25 Ill. Reg. 11063-, effective  
AUG 14 2001 }

## SUBPART C: REQUIREMENTS - ALL LICENSES

## Section 2060.303 Rule Exception Request Process

- a) Requests for exceptions to any Section in this Part that which is not statutorily mandated may be submitted to the Department. Requests Such---requests shall be made by the Authorized Organization Representative to the Associate Director Department in writing, indicating the specific basis, rationale and need for the exception. Requests for exceptions may be made by any Department staff or provider.
- b) In order to maintain uniformity to the greatest extent feasible, the Department will endeavor to keep exceptions to a minimum. Prior to granting any exception, the Department shall consider, but not be limited to, the following factors: the organization's patient or client population and size; type of services; geographic location; client or patient well-being if the exception is granted; and the specific geographic location of the organization; and the accreditation status of the organization, as applicable.
- c) Exceptions are at the sole discretion of the Department and the decision of the Associate Director is final. Exceptions---to---Sections that---are---not---statutorily---mandated---may---be---requested;---however,---if---a Section---contains---a---specific---exception---provision,---the---specific provision---shall---control.
- d) The Department may revoke any exception granted when where the circumstances that which gave rise to the exception no longer exist or when any conditions imposed by the granting of the exception are not implemented by the provider or are subsequently prohibited by State or federal statute. The Provider shall notify the Department shall be notified in writing within 10 no-later-than--ten calendar days when after the circumstances that which gave rise to the exception no longer exist.
- e) An exception to any Sections shall be valid only for the term of the license under which it was granted unless a different time period or permanent variance is specified by the Department. At the point of license renewal, reapplication for the exception shall be made.
- f) Any licensed organization may be granted deemed status, in accordance with the provisions specified in Section 2060.229 of this Part.

{Source: Amended at 25 Ill. Reg. 11063, effective  
AUG 14 2001 }

## Section 2060.305 Facility Requirements

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- a) At the time of application for initial or renewal licensure, all organizations, with the exception of Recovery Homes that are subject to the provisions specified in Section 2060.509 of this Part, shall, on a form supplied by the Department, document full compliance with all applicable provisions specified in this Section and, specifically, with the following shall-be-documented:
  - 1) all local and State health, safety, sanitation, building and zoning codes;
  - 2) all applicable sections, as specified in this Section below, of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 1994 (National--Fire--Protection--Association--Bettermarch-Park--Quincy--MA--02269);
  - 3) the facility requirements specified in the Environmental Barriers Act [410 ILCS 25] and the Illinois Accessibility Code (71 Ill. Adm. Code 400); and
  - 4) the facility requirements specified in the Americans with Disabilities Act of 1990 (42 USC 12101).
- b) The days and hours of operation shall be posted at each facility where treatment or intervention services are provided. This information shall be displayed in a location that is visible to all persons.
- c) Each facility shall also:
  - 1) have a written emergency preparedness plan that which ensures appropriate disaster preparedness and continuation of services, if possible, after a disaster. This plan shall contain provisions for a tornado and fire drill at least annually, identify the role of the facility in a community-wide disaster and have an emergency evacuation plan, including provisions for disabled persons; and
  - 2) have areas for confidential interviewing, counseling, and administration and public reception and waiting areas.
- d) Residential extended care facilities shall comply with the provisions specified in Chapter 20 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 1994 for any building housing 16 or fewer residents and with the provisions specified in Chapter 17 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 1994 for any building housing 17 residents or more.
- e) Inpatient treatment facilities shall comply with the provisions specified in Chapter 16 (New Hotels and Dormitories) of the NFPA Life Safety Code of 2000 1994.
- f) All existing outpatient treatment facilities shall comply with Chapter 27 (Existing Business Occupancies) of the NFPA Life Safety Code of 2000 1994. Any outpatient treatment facility constructed after promulgation of this Part shall comply with Chapter 26 (New Business Occupancies) of the NFPA Life Safety Code of 2000 1994.
- g) Organizations shall also ensure, as applicable:
  - 1) that each bedroom is kept clean and organized;
  - 2) that each bedroom is occupied only by those of the same sex,



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- except in situations where children are in residence with a parent in treatment;
- 3) a separate bedroom is provided for any 16 or 17 year old patient admitted to an adult inpatient service or any patient 17 years old or younger admitted to medically monitored detoxification services;
  - 4) a minimum of 80 square feet is provided in a single bedroom and 60 square feet per bed in a multi-bed room with no more than four beds per room;
  - 5) at least three feet of space is provided at the foot or head and one side of each bed and at least three feet between each bed;
  - 6) that bunk beds will not be used for any detoxification patient and all other beds shall be non-folding, at least 36 inches wide and have flame retardant mattresses;
  - 7) that each inpatient bedroom is an outside room with not less than the equivalent of ten percent of its floor area devoted to windows, which shall be covered with curtains, blinds, or shades;
  - 8) that no inpatient bedroom opens into the kitchen or necessitates passing through the kitchen to reach any other part of the facility;
  - 9) that no bedroom is in an attic or in an area with a floor more than three feet below the adjacent ground level;
  - 10) that each inpatient has a wardrobe, locker, or closet;
  - 11) that each bedroom has a swinging door no less than 32 inches in width that which opens directly into a corridor or to the outside;
  - 12) that doors in inpatient facilities that lead to corridors shall not be lockable from the inside;
  - 13) that each bathroom contains a toilet and sink and that each tub or shower is enclosed with space for drying and dressing (the sink may be omitted from a bathroom that which serves two adjacent bedrooms if each of these rooms contains a sink);
  - 14) that a bathroom is accessible to each central bathing area and that a minimum of one toilet, one sink and one bathtub or shower for each sex shall be provided on each inpatient floor occupied by both sexes;
  - 15) that one sink, one toilet and one bathtub or shower is provided for each eight beds on each floor where bathrooms are not adjacent to bedrooms;
  - 16) that all bathrooms are well lighted and vented to the outside, either by means of a window that can be opened or by an exhaust fan; that no bathroom, other than for employees, shall open directly into a kitchen, pantry, food preparation area or food storage room;
  - 17) that in inpatient facilities with a capacity to serve more than 20 patients, a separate enclosed room is available for group counseling, other than the one used for recreation or dining in any facility with a capacity to serve more than 20 patients;

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- 18) that any facility that provides 24 hour care or that provides any meals shall do so under the direction, as an employee or through a contractual agreement, of a licensed dietitian licensed Dietitian (LD) or a licensed nutrition counselor licensed Nutrition-Counselor (INC);
- 19) that the dietitian or licensed nutrition counselor shall develop a written plan for the provision of food services that ~~which~~ describes either the organization of the food service and the delivery of food services or the arrangements for the provision of such services to patients;
- 20) that all nutritional aspects of patient care, including any specific dietary patient needs, shall be under the direction of the licensed dietitian, the licensed nutrition counselor or other persons who are supervised by the licensed dietitian or the licensed nutrition counselor;
- 21) that the dining area is supervised and staffed to provide assistance to the patients when needed, shall be sized and equipped to accommodate the age and number of patients served and shall be separate from the kitchen area;
- 22) that the preparation or cooking of regularly scheduled hot meals is restricted to kitchen areas that which shall be designed and equipped to meet the requirements of the services provided, including provisions for food receiving, storage, and preparation, dish and pot washing, and waste disposal;
- 23) that there is access to a handwashing sink and toilet and that all equipment and appliances are installed to permit thorough cleaning of all equipment, walls, baseboards, and non-absorbent floor material and that each kitchen has an Underwriters Laboratories (U.L.) approved five pound class B:C dry chemical fire extinguisher; and
- 24) that if laundry is done at the facility, space for soiled linen sorting, laundry equipment, including washers and dryers, and clean linen storage space is provided. If laundry is done outside the facility, a soiled linen storage room or area shall be provided.

(Source: Amended at 25 Ill. Reg. 11063, effective Aug 14 2001)

## Section 2060.309 Professional Staff Qualifications

- a) All professional staff providing clinical services (except as set forth in subsection (b)(2)), as defined in this Part, shall:
  - 1) hold clinical certification as a Certified Alcohol and Drug Counselor from the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IADAPCA), 1305 Wabash Avenue, Suite L, Springfield, Illinois 62704; or
  - 2) be a licensed professional counselor or licensed clinical

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professional counselor pursuant to the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107]; or

- 3) be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987; or
- 4) be licensed as a psychologist pursuant to the Clinical Psychology Practice Act [225 ILCS 15]; or
- 5) be licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

- b) All professional staff providing only clinical assessments, DUI evaluations or designated program intervention services, as defined in this Part, shall:
  - 1) meet one of the qualifications specified in subsection (a) above; or

- 2) hold assessor certification as a Certified Assessment and Referral Specialist (CARS) from IAODAPCA.

- c) In any medically managed or monitored detoxification service at least one staff, 24 hours a day, shall:
  - 1) be a registered nurse pursuant to Section 3(k) of the Illinois Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65/3(k)];

- 2) be a licensed practical nurse pursuant to Section 3(i) of the Illinois Nursing and Advanced Practice Nursing Act of 1987 [225 ILCS 65/3(i)] who has completed at least 40 clock hours of formal training in the field of alcoholism or other substance abuse; or

- 3) be a certified emergency medical technician pursuant to Section 4.12 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50/4.12] who has completed at least 40 clock hours of formal training in the field of alcoholism or other substance abuse.

- d) Any other staff who provide direct patient care that is not defined as a clinical service shall be supervised by an individual who meets the requirements for professional staff as defined in subsection (a), (b) or (c)(1) and (2) as applicable to detoxification.

- e) Any new professional staff, including interns, who will provide clinical services in a treatment or designated program service and who do not meet the requirements of subsection (a) or (b) when hired, shall:
  - 1) meet the requirements specified in subsection (a) or (b) within two years after the date of after employment; and
  - 2) not work in any supervisory capacity until such requirements are met; and

- 3) work under the direct, verifiable supervision of an individual who has staff supervisory responsibility at the facility and who meets the requirements for professional staff specified in subsection (a) or (b); and
- 4) sign, and adhere to, a professional code of ethics developed by the organization.

- f) The above referenced supervision shall last until the employee meets

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at least one of the requirements for professional staff designation specified in subsection (a) or (b) or until the two year period has elapsed. Such supervision is verifiable, at a minimum, by:

- 1) signature of the supervisor and the affected employee on the treatment plan and all reviews of or any change to the patient's treatment plan; and
- 2) documentation of face-to-face supervision meetings, at least once monthly. This supervision can occur in a group or individual setting and shall be a distinct activity separate from regularly scheduled patient staffings.

- g) Any employee providing clinical services under supervision at one or more organizations who does not meet at least one of the requirements specified in subsection (a) or (b) within the relevant two year period or any current employee working at one or more organizations who does not meet the requirements specified in this Section within two years after the effective date of this Part shall not provide any direct clinical services at the end of the two years until such requirement is met.

- h) All staff providing DUI risk education services shall:
  - 1) meet one of the qualifications specified in subsection (a); or
  - 2) hold Alcohol and Other Drug Abuse (AODA) certification from IAODAPCA.

- i) It is the responsibility of each organization to ensure that all professional staff meet the requirements outlined in this Section.

- j) The Department will consider granting an exception to the requirements specified in subsection (e) of this Section based upon timing of certification or licensure examinations and part-time employment. In such cases, the exception will be time limited and based upon the minimum extension of time necessary to achieve full compliance. All exceptions shall be granted in accordance with Section 2060.303 of this Part.

(Source: Amended at 25 Ill. Reg. 11068, effective April 14, 2001)

## Section 2060.311 Staff Training Requirements

- a) All organizations shall provide an initial employee orientation to all staff within the first seven days after employment that shall include, at a minimum, the following information:

- 1) An overview of all organization operations, including the specific duties assigned to the employee; emergencies and disaster drills; familiarization with existing staff backup and support; and all required training.
- 2) An overview of this Part for all staff.
- 3) Information on bloodborne pathogens and universal precautions (as those terms are defined in the regulations set forth in Section 2060.413 of this Part) and the importance of tuberculosis control

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and personal hygiene, the responsibilities of all staff with regard to infection control and an overview of the fundamentals of HIV, AIDS and tuberculosis control.

- 4) Information on HIV and AIDS relative to the etiology and transmission of HIV infection and associated risk behaviors, the symptomatology and clinical progression of HIV infection and AIDS and their relationship to substance abuse behavior, the purposes, uses and meaning of available testing and test results, relapse prevention and sensitivity to the issues of an HIV infected patient.

- 5) An overview of the principles of patient confidentiality, all related federal and State statutes and all record keeping requirements regarding confidential information.

- b) ~~Within the first six months after the effective date of this Part each organization shall send at least one management or professional staff member to a Part 2060-Rules-Oriented training session. This training shall be conducted by the Department and will be offered free of charge.~~

- bc) ~~Within the first six months after employment, any and all staff providing a DUI evaluation service shall attend one complete DUI Orientation training session offered or approved by the Department.~~

- cd) ~~Within the first 12 six months after employment, any and all staff providing a DUI risk education intervention service shall attend the first day of a DUI Orientation training session offered or approved by the Department. Thereafter, each instructor shall obtain a minimum of twelve additional hours of substance abuse training annually.~~

- d) ~~In addition to mandatory training specified in subsections (b) and (c) of this Section, each DUI evaluator or Risk Education instructor shall obtain additional hours of substance abuse training annually consistent with the requirements of their professional staff credential.~~

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.313 Personnel Requirements and Procedures

- a) All professional staff:
- 1) shall be at least 18 years of age; and
  - 2) cannot have been convicted of any felony or had any subsequent incarceration for at least two years prior to the date of employment.
- b) Verification of the requirements specified in subsection (a) above shall be documented on the Department's Schedule L at the time of employment and this form shall be maintained in the employee's personnel file. Prior to employment a copy of the Schedule L, along with a letter requesting an exception for employment, shall be sent to the Department relative to any person that indicates a felony

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- c) In addition within the time period specified above.
- In addition, any staff providing DUI evaluation or risk education services shall not have a suspension or revocation of driving privileges for an alcohol or drug related driving offense for at least two years prior to the date of employment.

- d) Any staff providing clinical services to or any other supportive services for a child or adolescent who is receiving treatment at a facility, or is receiving child care at a facility, or is residing at a facility with a parent who is in treatment shall consent to a background check to determine whether they have been indicated as a perpetrator of child abuse or neglect in the Child Abuse and Neglect Tracking System (CANTS), maintained by the Department of Children and Family Services State-Central-Registrar as authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5/11.1(15)]. The organization shall have a procedure that which precludes hiring of indicated perpetrators based on the reasons set forth in 89 Ill. Adm. Code 385.30(a) and procedures wherein exceptions will be made consistent with 89 Ill. Adm. Code 385.30(e) and procedures for record keeping consistent with 89 Ill. Adm. Code 385.60.

- e) The organization shall ensure that treatment services for special populations (gender, youth, criminal justice, HIV, etc.) are delivered by appropriate professional staff as clinical needs indicate.

- f) The organization shall have written personnel procedures approved by the management or, if applicable, the board of directors. Such procedures shall apply to all full and part-time employees and shall include the process for:

- 1) recruiting, selecting, promoting and terminating staff;
- 2) verifying applicant or employee information;
- 3) protecting the privacy of personnel records;
- 4) performance appraisals, and review and update of job descriptions, for all positions in the organization;
- 5) disciplinary action, including suspension and termination;
- 6) employee grievances;
- 7) employment related accident or injury;
- 8) handling instances of suspected or confirmed patient/client abuse and/or neglect by staff, whether paid or volunteer;
- 9) handling instances of suspected or confirmed alcohol and other drug abuse by staff; and
- 10) documentation that the personnel procedures, and any changes in procedures, have been distributed to employees and are available on request.

- g) The organization shall provide documentation that all personnel procedures have been reviewed and approved at least annually by the Authorized Organization Representative ~~authorized~~ services representative or, if applicable, the board of directors.

- h) A personnel file shall be maintained for each employee that contains:
- 1) the employee's name, address, telephone number, social security number, emergency contact and telephone number;



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- 2) resume and evidence of qualifications;
- 3) documentation of the Schedule L and any relevant background checks and/or exception request;
- 4) unless otherwise kept in a training file, documentation of required training and continuing education received while employed by the organization (as indicated by a certificate of completion or the title, date and location of the training and the signature of the staff member who attended the training);
- 5) a copy of any professional certification, current license and/or registration, and date of employment and/or termination from the organization; and
- 6) a copy of the signed applicable professional code of ethics as referenced in Part 2060.309(e)(4) of this Part; and
- 7) documentation of annual review of the organization's policy and procedures manual by all staff during their first year of employment and, annually thereafter, any updated sections that pertain to each staff member.

- i) Each personnel file shall be maintained for a period of five years from the date of employee termination.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.315 Quality Improvement

- a) The licensee shall design and utilize a quality improvement plan. Such plan shall be written and shall contain, at a minimum, a method of evaluation to assess achievement of the organization's mission and the functioning of the organization and its service delivery systems and utilization review process.
- b) The quality improvement plan shall be approved by management or, if applicable, the board of directors of the organization and annually reviewed and revised as necessary.
- c) The evaluation shall contain, at a minimum:
  - 1) a mission statement for the organization;
  - 2) specific and measurable goals, objectives, activities and outcome standards that are utilized by the organization to achieve its missions and projected results;
- 3) a description of how the organization will review and implement needed changes based on the results of the evaluation;
- 4) a method to review use of medication in any level of care;
- 5) a method of risk management that, at a minimum, includes:
  - A) review and analysis of any incident or significant incident reports as referenced in Section 2060.331 of this Part; and
  - B) design and implementation of necessary procedures to address both proactively and reactively any identified risks; and
- 6) a method of utilization review to measure appropriate patient placement.

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- d) The method of organization evaluation shall be submitted with the application for licensure. The results of the evaluation shall also be available for inspection by the Department and submitted at the time of application for renewal of licensure.
- e) Utilization Review
  - 1) For treatment licensees, utilization review shall be conducted at least quarterly in accordance with the time-frames established in Section 2060.423(f)(2) of this Part and shall be conducted on a minimum 15% sample. If random sampling at 15% indicates problems, the organization will develop a specific remediation plan to correct the identified problems. Utilization review shall be conducted in accordance with continued stay and discharge criteria as established in the ASAM Patient Placement Criteria.
  - 2) For DUI evaluation or designated program intervention licensees, utilization review shall:
    - A) be conducted at least quarterly on randomly selected cases consisting of at least 15% (but no less than five and no more than 20) of persons receiving each service; and
    - B) be based on the established criteria specified in this Part for the applicable category of intervention license relative to the substance abuse assessment or evaluation and subsequent intervention or referral.
- f) All organizations required to conduct utilization review shall also:
  - 1) specify all staff participating in utilization review;
  - 2) specify how conflict of interest shall be addressed in any small organization where professional staff cannot always avoid reviewing their own cases; and
  - 3) issue a report of finding from utilization review at least quarterly and make such report available to all professional staff.
- g) Treatment licensees who are not otherwise required to report data electronically to the Department shall maintain statistics that which, at a minimum, determine the total number of assessments, admissions, and discharges per patient by type of discharge and the average length of stay in each level of care.
- h) DUI risk education and recovery-home services shall not be subject to utilization review as specified in subsection (e).
- i) All treatment and intervention licensees shall develop and maintain a written policy and procedures manual that describes the operation of the organization. At a minimum, the manual shall explain how the organization will comply with all federal and State regulatory and contractual requirements, any additional requirements from independent accrediting bodies, and any other organizational policies and procedures. The manual shall be approved by the board of directors of the organization or, if not applicable, the organization representative and annually reviewed and revised as necessary. The manual shall be submitted to the Department at the time of licensure

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and upon request from Department staff. The manual shall also be reviewed during the first year of employment by all staff. Annually thereafter, the organization shall ensure that all staff shall review updated sections pertinent to such staff.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.317 Service Fees

a) A fee schedule shall be established that which specifies the fee charged for all treatment and intervention services and any other related services and that which also specifies or estimates the amount for which the individual might be responsible based upon the anticipated length of stay in treatment or the type of intervention service.

1) This fee schedule shall be shown to every person as part of the admission process or prior to the beginning of any intervention service.

2) This fee schedule shall also specify any limitation or restriction in the amount that can be charged to any person who is eligible for any type of federal or state subsidization for payment of the applicable service.

b) Each person shall be given a fee schedule prior to the beginning of any treatment or intervention service for which the organization intends to seek reimbursement from the individual, statement indicating the amount that he or she will be responsible to pay along with any relevant payment schedule for each service. However, any person receiving any type of state or federal subsidization for full or partial payment of the service shall first provide proof of qualifying status as specified by the guidelines established for the specific subsidy. Such proof shall be relative to the current State fiscal year in which services are received. Documentation of this proof and the fee statement shall be kept in the patient record or in a separate patient financial record.

(Source: Amended at 25 Ill. Reg. 11063, effective AUG 14 2001)

## Section 2060.325 Patient/Client Records

a) Licensees shall maintain a written record for each patient or client. Such record may also be maintained electronically on a computer but shall be made available in hard copy upon request for review by the Department.

b) Any written entry on the record shall be in ink and shall be dated and shall meet all other signatory requirements for professional staff as specified in Sections 2060.421 and 2060.423 of this Part.

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c) Written signatures or initials and electronic signature or computer-generated signature codes and corresponding dates are acceptable as authentication to identify the author of the record entry by that author and to confirm that the contents are what the author intended. Signature or initial stamps shall not be utilized. All signatures or initials, whether written, electronic, or computer-generated, shall include the initials of the signer's credentials.

e) In order to utilize electronic signature or computer-generated signature codes and dates, the organization shall adopt a policy that permits use and authentication by electronic or computer-generated signature and dates and shall, at a minimum:

1) identify which staff are authorized to authenticate records using electronic or computer-generated signatures and dates;

2) ensure that each user is assigned a unique identifier that is generated through a confidential access code;

3) certify in writing that each identifier is kept confidential; and

4) have each user certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.

f) Records maintained on computer shall have a back-up system to safeguard the records in the event of operator or equipment failure.

g) Any document or entry made on a document in the record that is in any other language than English shall have an accompanying English language translation.

h) All records shall be protected in a locked room, locked file, safe or similar container or in computer records with secure, limited access.

i) The record shall document any service provided by the organization at any facility. Additionally, if the organization provides multiple services that are licensed by the Department at any facility, one record can document all of such services.

j) The record shall contain the signatory document that indicates the patient/client has been informed of his or her rights.

k) The record shall contain documentation indicating the consent of the patient, and any other family members or guardians, for any service.

l) The record shall contain, on a standardized format, the following information:

- 1) name;
- 2) home address;
- 3) home and work telephone number;
- 4) date of birth;
- 5) sex;
- 6) race or ethnic origin and/or language preference;
- 7) emergency contact;
- 8) education;
- 9) religion;
- 10) marital status;
- 11) type and place of employment;

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- 12) physical or mental disability, if any;  
 13) social security number, if requested;  
 14) drivers license number, county of residence and county of arrest (required only for DUI evaluation or risk education services); and  
 15) annual household income, if applicable to any subsidized or reduced fee for service, unless this information is kept in a separate financial record.
- m) The record shall contain dates of any admission, change in level of care or discharge.
- n) The record shall contain a dated service fee statement and proof, if applicable, of any qualifying documents relative to fee subsidization, including the "Qualification for DUI Services as an Indigent" form, unless this information is kept in a separate financial record.
- o) The record shall be kept for a period of five years from the date of discharge. While organizations may elect to keep records past this five year period, if the option to delete records is exercised, it shall be done by one of the following methods:  
 1) burning or shredding; or  
 2) erasure from all computer files.
- p) The record shall contain the following information or documents for any treatment service:  
 1) documentation of the treatment assessment and patient placement process;

2) documentation of the diagnostic impression and physician confirmed diagnosis;

3) documentation of any laboratory and/or other diagnostic procedures/results and reports that the organization directly provided of any medical services received (except for HIV testing unless the patient has given written informed consent) and documentation of the tuberculin skin test results, the date given and date read, if applicable;

4) the treatment plan and documentation of all required signatures and dates;

5) progress notes that document all treatment services, any subsequent treatment plan reviews and on-going assessment and documentation of all required signatures and dates;

6) documentation of completion of patient education specified in Section 2060.409 of this Part;

7) documentation of any correspondence or telephone calls received or made relevant to treatment services; and

8) a copy of the discharge summary unless the patient left prior to receiving any of these services;<sup>7</sup> and

9) documentation--of--any--incident--report--or--significant--incident--report--that--is--specifically--relevant--to--the--patient--or--client--

q) The record shall contain copies of all referenced forms in Subpart E for any offender receiving a DUI evaluation or risk education service.

r) A staff member shall be designated who will have responsibility to

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ensure that all records are in compliance with this Part. This staff member shall review, at least annually, the record system to ensure that the system meets all requirements specified in this Part.

s) Records shall be kept in the facility where the patient/client is receiving service (or in accordance with Section 2060.203(b) of this Part, in specific relation to off-site services) and shall be directly accessible to the professional staff providing those such services.

t) Information in the record may be used for training, research and quality improvement provided that the such information is collected in accordance with any relevant confidentiality requirements.

(Source: Amended at 25 Ill. Reg. 11063 effective April 14 2001)

## SUBPART D: REQUIREMENTS - TREATMENT LICENSES

## Section 2060.401 Levels of Care

Substance abuse treatment shall be offered in varying degrees of intensity based on the level of care in which the patient is placed and the subsequent treatment plan developed for that patient. The level of care provided shall be in accordance with that specified in the ASAM Patient Placement Criteria and with the following:

## a) Level 0.5: Early Intervention

An organized service, delivered in a wide variety of settings, for individuals (adult or adolescent) who, for a known reason, are at risk of developing substance-related problems. Early intervention services are considered sub-clinical or pre-treatment and are designed to explore and address problems or risk factors that appear to be related to substance use and to assist the individual in recognizing the harmful consequences of inappropriate substance use. The length of such service varies according to the individual's ability to comprehend the information provided and to use that information to make behavior changes to avoid problems related to substance use or the appearance of new problems that require treatment at another level of care. Early intervention services are for individuals whose problems and risk factors appear to be related to substance use but do not appear to meet any diagnostic criteria for substance related disorders. Examples of individuals who might receive early intervention are at-risk individuals (i.e., family members of an individual who is in treatment or in need of treatment) or DUI offenders classified at a moderate risk level.

b) Level I: ~~formerly Outpatient~~

Non-residential substance abuse treatment consisting of face-to-face clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall be a planned regimen of regularly scheduled sessions that average less than nine hours per week.



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c) Level II: ~~formerly~~ Intensive Outpatient/Partial Hospitalization)  
Non-residential substance abuse treatment consisting of face-to-face clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall be a planned regimen of scheduled sessions for a minimum of nine hours per week.

d) Level III: ~~formerly~~ Inpatient Subacute/ Residential)  
Residential substance abuse treatment consisting of clinical services for adults or adolescents. The frequency and intensity of such treatment shall depend on patient need but shall, except in residential extended care as defined in this Part, include a planned regimen of clinical services for a minimum of 25 hours per week. Inpatient care, with the exception of residential extended care as defined in this Part, shall require staff that are on duty and awake, 24 hours a day, seven days per week. During any work period, if professional staff as defined in Section 2060.309(a) of this Part are not on duty, such staff shall be available on call for consultation relative to any aspect of patient care.

Residential extended care shall require staff on duty 24 hours a day, seven days per week and that low intensity treatment services be offered at least five hours per week. Any staff providing clinical services shall meet the requirements for professional staff as defined in Section 2060.309(a) of this Part. Individuals who have been in residence for at least three months without relapse may be used to fulfill any remaining staff requirements.

e) Level IV: Medically Managed Intensive Inpatient  
Inpatient subacute residential Residential substance abuse treatment for patients whose acute bio/medical/emotional/ behavioral problems are severe enough to require primary medical and nursing care services. Such services are for adults or adolescents and require 24 hours medically directed evaluation, care and treatment and that a physician see the patient daily.

(Source: Amended, at 25 Ill. Reg. 110633, effective AUG 14 2001)

Section 2060.405 Detoxification

The medical director, as referenced in Section 2060.413 of this Part, shall develop protocols and authorize procedures for the medical supervision of and the staffing pattern for any patient receiving ambulatory or clinically managed residential detoxification as specified in the "ASAM" Patient Placement Criteria. ~~This protocol at a minimum shall specify that such detoxification is for adults only (17-year-olds may be included provided that their assessment includes justification based on behavior and life experience).~~ All other detoxification shall be medically monitored or managed by a physician according the specifications contained in the "ASAM" Patient Placement Criteria and as follows:

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a) Medically Monitored (Level III.7-D)  
Medically monitored detoxification is for adults and adolescents. ~~only (17-year-olds may be included provided that their assessment includes justification based on behavior and life experience).~~ ~~When utilized during inpatient treatment, at least two staff persons shall provide 24 hour observation, monitoring and treatment, one of whom shall meet the staff qualifications specified in Section 2060.309(c) of this Part.~~

b) Medically Managed (Level IV-D)  
Medically managed detoxification is for adults and adolescents. However, medically managed opioid maintenance therapy shall only be used for adolescents age 16 and 17. ~~At when utilized during inpatient treatment, at least two staff persons shall provide 24 hour observation, monitoring and treatment, one of whom shall meet the staff qualifications specified in Section 2060.309(c) of this Part.~~ Medically managed detoxification also requires that a physician see the patient daily.

(Source: Amended, at 25 Ill. Reg. 110633, effective AUG 14 2001)

Section 2060.407 Group Treatment

Group treatment shall consist of didactic and counseling groups as follows:

a) Didactic groups are, but are not limited to, a therapeutic activity the whose primary purpose of which is to educate patients and their significant others on a specific treatment related topic in a group setting. All didactic groups shall be led or supervised by professional staff or by other professionals with credentials specific to the subject matter of the didactic group following a lesson plan or outline approved by the organization. Justification for all patients who attend any didactic group needs to be documented. Didactic groups should not exceed an average of 24 people.

b) Counseling groups are, but are not limited to, a therapeutic activity the whose primary purpose of which is to allow patients or their significant others an opportunity to process issues related to their treatment in a group setting. Counseling groups can have a specific focus (i.e., women, relapse, cocaine, etc.) but are generally less educational and more process oriented than didactic groups. All counseling groups shall be facilitated by professional staff. Justification for all patients who attend any counseling group needs to be documented as an assessed need. Counseling groups ~~should have an average size of twelve patients but at no time shall exceed 16 15 patients per group.~~

(Source: Amended, at 25 Ill. Reg. 110633, effective AUG 14 2001)

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## Section 2060.409 Patient Education

All organizations shall develop a patient education plan that specifies all patient education that is available at the facility and ensures that all patients are informed about this plan and the mandatory elements of it (as specified in this Section) prior to or during the development of the treatment plan. Patient education may be provided individually or in a group in accordance with the group size specifications contained in Section 2060.407 of this Part. Such education shall be provided to each patient at least once and documented as such in the patient record. Upon subsequent admissions, the need for such education may be determined by the organization. At a minimum, the patient education plan shall include the following:

- a) Information about the benefits and risks of all medications prescribed by the organization's medical director or physician working under his or her supervision/direction, laboratory tests performed by the organization's medical director or physician working under his or her supervision/direction, and treatment protocol, all rules relative to patient conduct and patient rights, and all organization Department rules relative to confidential patient information as referenced in Section 2060.319 of this Part.
- b) Initial AIDS risk reduction counseling and education services and tuberculosis information consisting of the following components:
  - 1) Education relative to infectious disease control and HIV/AIDS that which shall provide information about the etiology and transmission of HIV infection and associated risk behaviors, symptomatology and clinical progression of HIV infection and AIDS and their relationship to substance abuse behavior, prevention of transmission and risk reduction (including information about needle sharing, sexual transmission, transmission to infants, etc.), the availability of counseling and testing services, the confidentiality rights of the patient regarding such counseling, testing and HIV status and relapse prevention.
  - 2) Education relative to infectious disease control and tuberculosis that which shall include information about its transmission and prevention, the importance of diagnosis, the requirement for skin testing and the interpretation of skin test results, the importance of x-rays for positive test results and HIV infected persons, the importance of treatment regimens and the basic symptoms associated with tuberculosis.
- c) Upon completion of any mandatory education specified in this Section, documentation shall be placed in the patient record. That Such documentation shall specify the type of education received, and the date received, and shall be signed by the patient if the such documentation is maintained separately from the treatment plan.

(Source: Amended at 25 Ill. Reg. 110693, effective 11/14/2001)

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## Section 2060.413 Medical Services

- a) Medical Director
  - 1) Any organization providing treatment services shall designate a medical director, who is licensed and in good standing to practice medicine in all its branches in Illinois, who shall oversee all medical procedures.
  - 2) The medical director may be part-time or serve on a consulting basis and the name and professional license number of the medical director shall be designated on the application for licensure.
  - 3) The medical director as well as all medical and nursing staff shall read and comply with this Part.
  - 4) The Department shall be notified in writing, within 10 ten calendar days, of any change in medical directors.
- b) Medical Screening
  - 1) The medical director shall develop and authorize a medical screening form that which shall be completed for each patient prior to admission to Levels I-IV care that shall be used, at a minimum, to assess acute intoxication and/or withdrawal potential, biomedical conditions or complications, and emotional/behavioral conditions and complications. ~~The As-such~~ the medical screening shall include, but not be limited to, inquiry in the following areas:
    - A) primary complaint per patient;
    - B) date of last physical exam and the name of the patient's primary care physician;
    - C) history of substance use;
    - D) history of past withdrawal symptoms;
    - E) history of concurrent medical symptoms, complications or conditions, including sexual activity and risk for pregnancy;
    - F) history of concurrent psychiatric symptoms, complications or conditions, including suicide/homicide potential;
    - G) history of recent trauma (including physical/sexual abuse);
    - H) hospitalizations;
    - I) medications currently prescribed and any allergies to medications; and
    - J) infectious or communicable diseases.
  - 2) The medical director shall designate the factors in a medical screening, including a determination of the patient's risk for HIV and or tuberculosis infection, and the specific medications prescribed or used by a patient that would require physician review if such medical screening is not conducted by a physician.
  - 3) The purpose of physician review is to determine the immediate need for a medical referral for a physical or psychiatric examination. If determined necessary, physician review may be by phone, facsimile transmission, or in person, and shall occur no later than within 24 hours after admission to Level IV care,



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within 48 hours after admission to Level III care, and within 72 hours after admission to Levels I and II care.

- 4) A patient shall be referred for medical, surgical, obstetric, prenatal or psychiatric treatment or laboratory services as determined necessary by the medical director or other physician.
- 5) All pregnant women admitted for any type of detoxification shall be subject to physician review as defined in subsection (b)(3) of this Section.
- 6) Any patient under the age of 12 ~~twelve~~ admitted to adolescent treatment shall be subject to physician review as defined in subsection (b)(3) of this Section.

## c) Physical Examinations

- 1) The medical director shall develop protocol and authorize procedures for any physical examination of a patient that which shall, at a minimum, specify the professional requirements for any individual who shall conduct the such physical examinations under the supervision of the medical director.
- 2) Physical examinations are not required for any patient in Level I or II care unless otherwise indicated by the specifications in subsection (b)(3) of this Section.
- 3) All inpatients (Levels III and IV care), with the exception of those individuals in residential extended care as defined in this Part, shall undergo a physical examination within 72 hours after admission if on prescription medication or pregnant. All other patients in such care shall undergo a physical examination within 7 days after admission.
- 4) Patients may provide documentation of a physical examination completed within 7 calendar days prior to admission to Level III and IV care and 30 calendar days prior to admission to residential extended care that ~~and--such--examination~~ may be accepted by the medical director in lieu of an additional physical examination.
- d) All organizations shall have first aid kits and, when such services are not directly provided, a written agreement with a licensed hospital or medical center for the provision of physical examinations, laboratory tests and emergency medical services and, if applicable, for high risk prenatal care and transportation during emergencies.
- e) When nursing services are provided, a registered nurse shall plan, assign, supervise and evaluate all nursing care.
- f) Medication dispensary services shall be in accordance with the Medical Practice Act of 1987 [225 ILCS 60]; the Pharmacy Practice Act [225 ILCS 85]; the Illinois Controlled Substances Act [720 ILCS 570]; the Poison Prevention Packaging Act (15 USC 8-5-6- 1471); substances requiring special packaging (16 CFR 1700.14); and rules and regulations of the U.S. Drug Enforcement Administration [see Section 2060.103] ~~421-CFR-1301-71-1301-76,-1304,-and-1307-2-1198977~~.
- g) The administration or dispensing of patient-owned medications shall comply with the following:

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- 1) patients shall surrender all medications on admission;
- 2) medications brought by patients shall not be administered unless they can be absolutely identified and unless written orders to administer these specific drugs are given by the authorized prescriber and are confirmed in writing in the patient record;
- 3) self-administration of medication shall be permitted only when specifically ordered by the authorized prescriber;
- 4) self-administration of medication shall be documented, including the date, time, and dosage of all medications issued;
- 5) in those cases where patients are unable to self-medicate, medication shall be dispensed or administered only by a practitioner. An exemption from these requirements may be requested provided that an alternate protocol for handling patient-owned medications is submitted and that the protocol is approved by the medical director;
- 6) any drugs that the patient brings that are not used shall be packaged, sealed, and stored, and, if approved by the authorized prescriber, returned to the patient, family, or significant others at the time of discharge; and
- 7) medications for minors who are in residence with patients shall be reviewed by the authorized prescriber. Permission to keep medication at bedside in their possession and self administer to one's dependent minors shall be given by the authorized prescriber.

## h) Opioid Maintenance Therapy

- 1) Any treatment service that uses methadone or LAAM for the treatment of opioid addiction shall comply with the provisions of 21 CFR 291.505 (2001, no later amendments or editions included 1995).
- 2) The social security number for each patient shall be obtained and used in all circumstances requiring patient identification; i.e., medication logs, take-home bottles, exception requests, and general correspondence.
- 3) Organizations shall obtain prior written approval from the Department for exceptions as referenced in 21 CFR 505 (2001 1995) relative to more than a three day supply of take-home medication and shall utilize the Department's Schedule H when requesting such exceptions. Documentation of each such exception granted or any other exception granted by organization staff shall be maintained in the patient record. Such documentation shall include, but need not be limited to:
  - A) the circumstances that made the exception necessary;
  - B) the dates and locations involved and the methadone or LAAM dosage; and
  - C) the name, title and signature of the staff person who granted the exception.
- 4) On the first day of each month a log listing all exceptions granted during the previous month shall be forwarded to the



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Department. Organizations shall also utilize medication accounting forms supplied by the Department. These forms shall be completed weekly and maintained for inspection by State and federal inspectors or investigators either on-site or via mail.

5) Triplicate medication logs for dispensing methadone or LAAM shall also be used. These logs are provided by the Department and are official prescription forms that which shall be signed by the authorized prescriber and forwarded to the Department every week. Computer generated medication logs may be utilized when approved by and compatible with Department data/prescription needs.

(Source: Amended at 25 Ill. Reg. 11063 effective AUG 14 2001)

## Section 2060.415 Infectious Disease Control

a) Licensees shall be in compliance with:

- 1) guidelines issued by the U.S. Centers for Disease Control and Prevention in "Recommendations for Prevention of HIV Transmission in Health Care Settings"; MMWR--1987-36--(no--25)--known-as "Universal-Precautions"; and "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Healthcare Settings"; MMWR-1988-37-(no--24)7 both known as "Universal Precautions"; and with

- 2) the U.S. Department of Labor rules for Occupational Exposure to Bloodborne Pathogens, 29 CFR Part 1910.1030 19-18-1838 (2000).

b) Tuberculosis Control and Services

- 1) Any organization providing treatment services shall have its medical director ~~Medical-Director~~ or other designated staff be responsible for developing, reviewing annually and evaluating the effectiveness of a tuberculosis infection control plan based on a tuberculosis risk assessment of the facility following the protocol for conducting a tuberculosis (TB) risk assessment in a health care facility in "Guidelines for Preventing the Transmission of Mycobacterium Tuberculosis in Health Care Facilities", MMWR--1994--(no--RR13)--~~hereafter~~ referred to as CDC Tuberculosis Guidelines, which should, at a minimum, include:

- A) a medical screening of each patient for infectious, communicable tuberculosis as required in Section 2060.413(b) 2060-413(b) of this Part;
- B) identification of patients at increased risk of being infected with tuberculosis, using a standardized screening tool, and provision of tuberculosis services, either directly or through referral with other public, nonprofit or private entities;
- C) procedures for the immediate reporting of patients with, or suspected of having, active, infectious tuberculosis to the

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local tuberculosis control agency and a process for isolation of such patients from the general population until the patient is determined to be non-infectious. Provisions shall be made for respiratory isolation (by linkage with other health care providers and the local tuberculosis control agency) for substance abuse treatment if and when possible and appropriate;

- D) procedures for providing prompt and appropriate curative therapy directly by the organization or by referral. Such medical care provided shall be consistent with standards specified by the Centers for Disease Control and Prevention, Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children (American Thoracic Society, Medical Society of the American Lung Association and U.S. Department of Health and Human Services). Am. J. Respir. Crit. Care Med. vol. 149, pp. 1359-1374, 1994 (no later amendments or editions included);

- E) procedures (by way of linkage with other health care providers and with the local health department) for isolation of patients who may have active infectious tuberculosis;

- F) procedures for lessening the risk of environmental transmission within the facility; and

- G) procedures for meeting State reporting requirements while adhering to confidentiality requirements specified in Section 2060.319 of this Part and in 42 CFR Part 2.

2) Employee Skin Testing and Management

- A) All staff shall have a tuberculin skin test using the Mantoux method (5TU, PPD) when hired ~~at-hire~~, annually and as indicated in the CDC Tuberculosis Guidelines (or authentic documentation of a skin test within the past three months, or of completion of previous medical treatment of the disease, or of preventive therapy). The test shall be read within 48 to 72 hours by personnel trained in accordance with guidance from the local tuberculosis agency.

- B) The organization shall establish procedures requiring medical evaluation for personnel with positive skin tests or with signs and symptoms of active tuberculosis disease; requiring preventive therapy for personnel with tuberculosis infection, unless medically contraindicated; and requiring leave and/or restriction from the patient population as necessary in cases of active infectious tuberculosis.

- C) Staff who have an initial negative skin test result but who have not had a documented negative skin test result during the 12 preceding months shall be retested using the Mantoux method within one to three weeks after the initial test. If the second test is positive, the person should be considered previously infected.

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D) Staff with negative tests shall be retested at least every 12 months and upon a known or suspected exposure to tuberculosis.

E) The organization shall document and have available for review by the Department the results of all staff tuberculin testing.

## 3) Patient Skin Testing and Management

A) The Medical Director Medical Director of any organization providing treatment services shall develop a tuberculosis skin testing policy and procedure based on the tuberculosis risk assessment and tuberculosis infection control plan required in subsection (b)(1) of this Section.

## B) Patient Testing

i) Each organization providing inpatient services (except for residential extended care) and/or providing opioid maintenance therapy shall either directly or through arrangements with other public, nonprofit or private entities, provide each patient with medical tuberculosis screening services including at a minimum a PPD skin test (5TU, PPD), placed within seven calendar days after admission and read within 48 to 72 hours after placement by personnel trained in accordance with guidance from the local tuberculosis agency. If a patient is known to be immunosuppressed, a chest x-ray, energy battery, sputum smear and/or sputum culture/sensitivity study for tuberculosis HIV/AIDS may be used instead of a PPD skin test.

ii) Patients with prior positive skin tests or diagnoses who have not completed treatment or prevention therapy shall be medically evaluated for symptoms of infectious tuberculosis.

C) The result of the Mantoux skin test in mm of induration, the date given and the date read shall be recorded in the patient's medical file.

D) Patients who have a positive reaction of 5 mm or more to the skin test or who have signs and symptoms compatible with tuberculosis disease shall be medically evaluated for tuberculosis or shall be referred for such evaluation. Admission of patients with symptoms of active tuberculosis may be delayed until there is adequate documentation that the person is not infectious.

E) Organizations shall follow the CDC Tuberculosis Guidelines regarding appropriate testing after the initial test (i.e., in determining appropriate retesting, the need for allergy testing, testing required upon exposure and additional considerations for interpreting test results). Patients with negative reactions to the initial tuberculin test shall be retested using the Mantoux method (5TU PPD) at least

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annually or after any known exposure to infectious tuberculosis.

F) Procedures shall be established for providing prompt and appropriate curative and preventive therapy directly by the organization or by referral. Medical care provided shall be consistent with the CDC's standards-specified-by-the-Centers for-Disease-Control-and-Prevention Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children. American-Thoracic-Society-Medical-Society-of-the-American-Bung-Association-and-U-S-Department-of-Health-and-Human-Services Am-J-Respir-Crit-Care-Med-Vol-149-Pp-1359-1374-1994

## 4) Facility Environment-Transmission Prevention

A) An organization that which provides respiratory isolation at a facility shall assure that it has consulted engineers or other professionals with expertise in ventilation engineering to ensure that its facility ventilation systems meet applicable federal, State and local standards.

B) Persons with suspected or known infectious tuberculosis shall not be allowed to enter living or work areas of a treatment facility. The process for handling persons prior to and while screening for infectious tuberculosis shall be done as to avoid environmental exposure to other patients and staff.

(Source: Am-J-Respir-Crit-Care-Med-Vol-149-Pp-1359-1374-1994) 11063 effective Aug 14 2001 at 25 Ill. Reg.

## Section 2060.417 Assessment for Patient Placement

An assessment shall be conducted prior to admission to any level of care. This assessment shall be an individual face-to-face service and shall include collection of demographic data as referenced in Section 2060.325(1) of this Part and:

a) For admission to Level 0.5, Early Intervention:

1) review of any specific conditions of court supervision or probation including any prior substance abuse screenings or evaluations conducted prior to admission (i.e., DUI); and

2) sufficient assessment to screen for, or rule out, substance related disorders.

b) For admission to Levels I-IV care:

1) an evaluation of the severity of the six dimensions established in the "ASAM Patient Placement Criteria";

2) a recommendation for placement in Levels I-IV care as established in the "ASAM Patient Placement Criteria";

3) a diagnostic impression of substance abuse and/or dependence as defined in the Diagnostic and Statistical Manual of Mental Disorders Fourth-Edtion Washington B-G American

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Psychiatric-Association (DSM-IV) that which shall be confirmed as a diagnosis by a physician.

c) Physician confirmation Confirmation of diagnosis and initial patient placement:

- 1) the medical director shall define protocols and authorize procedures for confirmation of diagnosis or admission without diagnosis as specified in Section 2060.403(a) of this Part and initial patient placement in Levels I-IV care.
- 2) such confirmation of diagnosis may be made by telephone or facsimile transmission if so authorized by procedure.
- 3) such confirmation shall occur no later than within 24 hours after admission for Level IV care, no later than and--within 72 hours after admission for Level III beveis-i-iii care, and no later than 7 working days after admission for Level I and II care.
- 4) confirmation of diagnosis and admission is not necessary for Level 0.5 Early Intervention.

d) Prior to admission, or in the case of an intoxicated patient, as soon as stabilization occurs, basic information about treatment services shall also be provided and shall include the following:

- 1) the procedures and treatment services the patient will receive;
- 2) if possible, an introduction to the professional staff members who serve as the primary contact with the facility for the client;
- 3) the hours during which services are available;
- 4) the risks, side effects, and benefits of all medications prescribed by the organization's medical director or physicians working under his/her supervision or direction and experimental treatment procedures to be used--especially--these--that--are experimental;
- 5) the cost, itemized when possible, of services to be rendered;
- 6) any limitations placed on duration of services; and
- 7) the rules and regulations of the facility applicable to the patient's conduct.

e) A written, dated, and signed informed consent form shall be obtained from the patient, or the patient's legal guardian, and from family members who also participate, for use or performance of the following activities:

- 1) experimental medications;
- 2) hazardous on experimental assessment procedures;
- 3) recording on audiovisual equipment;
- 4) participation of the patient in research projects; and
- 5) testing for Human Immunodeficiency Virus (HIV).

(Source: Amended at 25 Ill. Reg. 110633, effective AUG 14 2001)

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a) Ongoing assessment of the patient's progress in treatment shall occur in order to determine continued stay in the level of care in which the patient was placed, or the need to move to another level of care or to discharge. The Such assessment shall also be accomplished using the ASAM "continued stay" or "discharge" criteria consistent-with-criteria from-the-six-dimensions-established--in--the--ASAM--Patient--Placement Criteria. As the patient moves through treatment, progress in these six-dimensions shall be continually assessed continually and recorded in progress notes. At a minimum, a continued stay review shall include a review of the ASAM continued stay or discharge criteria, the current treatment plan, and all subsequent progress notes. Continued stay reviews shall be measured through hours or days. The type of measurement (hours or days) must be specified in the initial and each subsequent treatment plan and this measurement must remain unchanged until the next continued stay review. reviewed Continued stay review shall occur as follows:

- 1) upon movement to any other level of care based on any change in the level of patient functioning such-as-completion-of--treatment plan--goals-and-objectives-or-identification-of-new-or-previously undetected-or-disclosed-patient-needs; or
- 2) every 60 30 calendar days or after every 10 hours of treatment for patients receiving Level I or residential extended care, every 30 14 calendar days or after every 27 hours of treatment for patients receiving Level II care, every 14 calendar days for patients receiving Level III care, and every 24 hours for patients receiving Level IV care; or
- 3) prior to planned discharge;
- 4) every 30 days for patients in opioid maintenance therapy during the first 90 days of treatment and every 90 days thereafter for patients who demonstrate 90 days of stable participation and for whom no change has occurred in the ASAM Biomedical Conditions and Complications dimension.

b) Documentation of the continued stay review subsequent---patient placement shall:

- 1) be by progress note in the patient record;
- 2) include the participation of the patient;
- 3) be initialed and dated by the patient;
- 4) be initialed and dated by the professional staff member conducting the review; and
- 5) be authorized as evidenced by a progress note in the patient record written and dated and initialed by the medical director or a physician working under his or her supervision if there is a change in the ASAM Biomedical Conditions and Complications dimension.

(Source: Amended at 25 Ill. Reg. 110633, effective AUG 14 2001)



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**Section 2060.425 Progress Notes and Documentation of Service Delivery**

- a) Progress notes shall reflect patient progress and shall be consistent with the clinical assessment, level of care and expectation of progress. Progress notes can include a summary of services delivered prior to each continued stay review. Progress notes shall be summarized a minimum of every 14 calendar days for patients in Level II care, daily for patients in Level III care, and upon each continued stay review for patients in Level I and Residential Extended Care. Progress notes shall be entered in the patient record and include the following:
- 1) ~~documentation-of-any-service-including-specific-date,-time-and-duration-of-each-service-tendered-to-the-patient,-except-for-HIV counseling-and-testing-and-its-relevance-to-a-specific-goal-or objective-in-the-patient-treatment-plan;~~
  - 2) chronological documentation of the patient's progress in treatment;
  - 3) documentation of any change in the patient's behavior; and
  - 4) descriptions of the patient's response to treatments, the outcome of treatment, and the response of significant others to events in the course of treatment.

- b) Documentation of service delivery in the patient record ~~Progress notes~~

shall specify the name and credentials of the individual who provided the service and be signed or initialed and dated in ink by the individual providing the service to the patient and the individual making the entry or in accordance with the provisions for electronic signature specified in Section 2060.325(c)-(e) of this Part.

- c) Any entry that includes a subjective interpretation of the patient's progress shall include a description of the actual behavior observed.

- d) Each service delivered shall be documented in the patient record and include the specific type of service delivered, location of service delivery, date, time and duration of each service rendered to the patient (with the exception of HIV counseling and testing). Clinical notes, clinical checklists and clinical rating scales may also be included with the documentation.

(Source: Amended at 25 Ill. Reg. 110632, effective 4/14/2001)

**Section 2060.427 Continuing Recovery Planning and Discharge**

- a) Organizations shall develop a continuing recovery plan for patients who are no longer actively receiving treatment in, or no longer require, an ASAM level of care. ~~Organizations shall develop discharge and excusatory criteria consistent with customary clinical standards accepted within the community.~~

- b) The continuing recovery plan shall contain the following information as appropriate for individual patients ~~Discharge planning shall begin~~

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**at admission and shall:**

- 1) a relapse prevention plan for patients who have obtained abstinence that also identifies actions to be taken if relapse should occur ~~be designed to help maintain support and enhance patient progress in treatment;~~
- 2) actions planned by the organization to support continuing recovery or reinitiation of active treatment services ~~result in a continuing care plan for the individual that identifies recommended activities, support groups and/or referrals that can support and enhance such patient progress;~~
- 3) identify specific and measurable patient involvement in such activities in the event that accountability by the patient is required for any case management or monitoring organization (i.e., circuit courts, offices of probation, Office of the Illinois Secretary of State, parole officers, employers, etc.); and
- 4) community recovery support services that will maintain, support and enhance progress made in treatment ~~identify all necessary steps to reinitiate treatment services.~~

The continuing recovery plan shall be completed prior to the patient discharge from all ASAM levels of care within the organization for any patient no longer meeting the criteria for continued active treatment.

- c) Organizations shall develop discharge and exclusionary criteria consistent with customary clinical standards accepted within the community. After the patient is discharged from all treatment, a discharge summary shall be entered in the patient record within 15 days. This summary shall include:

- 1) the reason for discharge and the progress of the patient relative to each goal and objective in the treatment plan;
- 2) a prognostic statement of the patient's condition at discharge, including any continued use of prescribed medications; and
- 3) the patient's continuing recovery plan ~~identification of all referrals and/or activities recommended for the patient after discharge that will help maintain support and enhance progress made in treatment.~~

(Source: Amended at 25 Ill. Reg. 110632, effective 4/14/2001)

**SUBPART E: REQUIREMENTS - INTERVENTION LICENSES****Section 2060.501 General Requirements**

In addition to the provisions specified in this Subpart, all DUI evaluation, DUI risk education and designated program services shall meet all applicable provisions specified in Subparts A, B, and C of this Part. Recovery Homes shall meet all applicable provisions specified in Subparts A and B, as well as all provisions specified in Section 2060.509 of this Part.

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(Source: Amended at 25 Ill. Reg. 11063 = , effective  
AUG 14 2001)

## Section 2060.503 DUI Evaluation

a) The purpose of a DUI evaluation is to conduct an initial screening to obtain significant and relevant information from a DUI offender about the nature and extent of the use of alcohol or other drugs in order to:

- 1) identify the offender's risk to public safety for the circuit court of venue or the Office of the Secretary of State; and
- 2) recommend an initial intervention to the DUI offender and to the circuit court of venue or the Office of the Secretary of State.

b) DUI evaluation services shall be provided to any offender under the same terms and conditions regardless of ability to pay.

1) If an offender provides proof of indigence, in accordance with poverty guidelines established by the U.S. Department of Health and Human Services and contained in the Department's annual Drunk and Drugged Driving Prevention Fund (DDDPF) billing manual, the organization providing the evaluation may bill for reimbursement for the DUI evaluation from the DDPF. All such reimbursement shall be via a rate established by the Department and in accordance with the Department's most current fiscal year DDPDF billing manual that offender is then eligible for the indigence fee.

2) Additionally, all reimbursement from the DDPDF is subject to availability of funds. Organizations shall have an alternative fee assessment and collection procedure for use should DDPDF funding not be available. However, if the reimbursement from the DDPDF or any additional fee assessed to the offender, as specified in subsection (b)(3) of this Section, has not been received after reasonable efforts shall be made to collect the indigence fee from the offender prior to completion of the evaluation service. However, if the fee is not collected from the indigent offender by the completion of services, the evaluation shall still be released to the appropriate circuit court of venue or the Office of the Secretary of State in accordance with the provisions specified in this Section.

3) The organization may also assess a fee for the evaluation to an indigent DUI offender when the organization's standard fee charged for an evaluation to a non-indigent DUI offender exceeds the rate of reimbursement provided by the Department. In such cases, the amount assessed to the offender shall not exceed the difference between the organization's standard fee and the Department's rate. The unassessed cost of the service may be submitted as a claim to the Department for reimbursement from the Brunk and Drugged Driving Prevention Fund (DDDPF). Such claims shall be submitted in accordance with the procedures specified in

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the Department's most current fiscal year DDPDF billing manual. 4) Any organization choosing not to submit reimbursement such claims shall still provide services to indigent offenders in accordance with this Part and can assess the indigence fee for the service.

c) All evaluations shall consist of a face-to-face individual interview. The evaluation shall be conducted at the facility unless otherwise specified in this Part or by court rule.

d) Each DUI offender shall be given a copy of the Department's "Informed Consent" form and a copy of the Department's brochure that which explains the DUI evaluation process.

1) This brochure shall be read by or to the offender prior to the provision of the evaluation.

2) The "Informed Consent" specifies that any information provided by the DUI offender will be released to the circuit court of venue, the Office of the Secretary of State and/or the Department and explains that the consent of the offender is not required for this disclosure.

3) The "Informed Consent" also requires the offender to specify where he or she underwent any previous evaluations as a result of the most current DUI offense and to provide a copy of those such evaluations, if completed, to the current DUI evaluator.

4) Each DUI offender shall sign the "Informed Consent" form indicating his or her understanding of the DUI evaluation process and disclosure requirements or initial the "Informed Consent" form indicating refusal to proceed with the evaluation. A copy of this form shall be placed in the DUI offender record.

5) If the offender refuses to sign, or refuses to present copies of other evaluations completed, written notice of that such refusal shall be sent to the circuit court of venue or the Office of the Secretary of State and the evaluation will be terminated.

e) Written policies and procedures shall be established that protect the non-disclosure privilege of DUI offenders that which, at a minimum, shall include provisions to ensure that no evaluation information shall be released to any party other than the DUI offender, the Illinois circuit court of venue or its court officials as specified by local court rules, the Office of the Secretary of State or the Department without the written consent of the DUI offender. Any release of information relative to alcohol and drug treatment received by the DUI offender requires the written consent of the offender.

f) The evaluation shall be structured and scheduled in order to ensure that, prior to its completion, the following occurs:

1) collection of a comprehensive chronological history of substance use from first use to present, including alcohol, prescription and non-prescription drugs, and exposure to intoxicating compounds and illegal drugs, that specifies the frequency and patterns of use, type and amount of substance used and any change in the use or abuse pattern and the reason for the change;



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- 2) a determination of the extent to which the substance use has caused marital, family, legal, social, emotional, vocational, physical and/or economic impairment;
- 3) an analysis of the offender's verbal description of:
- A) alcohol and drug related legal history, driving history (all offenses), and any related substance use or chemical test results (blood alcohol concentration-BAC) and all substances used that resulted in all arrests, including the most recent DUI arrest;
  - B) past history of substance abuse evaluations, alcohol or drug treatment and/or self-help group involvement;
  - C) family history of substance abuse.

## 4) an analysis of:

- A) objective test results from either the Driver Risk Inventory (DRI) or Mortimer/Filkens test;
  - B) the offender's current driving record as documented on the "Alcohol/Drug Related Driving Offenses" summary form from the Office of the Secretary of State or a copy of the actual "Court Purposes" driving abstract supplied to the circuit court of venue by the Office of the Secretary of State; and
  - C) the "Law Enforcement Sworn Report" (issued to the offender at the time of the arrest for DUI) that which identifies the chemical test result BAC or the refusal to submit to chemical testing relative to the most current DUI arrest.
- 9) All information obtained during the evaluation shall be analyzed and the offender's risk to public safety shall be determined. However, that such determination shall be considered an initial finding that may be subject to change when more comprehensive and definitive information is obtained from the offender during participation in any recommended intervention. The determination of risk shall be minimal, moderate, significant, or high as follows:

## 1) Minimal Risk

The offender has: Such-offenders-shall-have

- A) no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and
- B) a BAC of less than .15 as a result of the most current arrest for DUI; and

C) no other symptoms of substance abuse or dependence.

## 2) Moderate Risk

The offender has: Such-offenders-shall-have

- A) no prior conviction or court ordered supervisions supervision for DUI, and no prior statutory summary suspensions suspension, and no prior reckless driving conviction reduced from DUI; and

B) a BAC of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and

C) no other symptoms of substance abuse or dependence.

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## 3) Significant Risk

The offender has: Such-offenders-shall-have

- A) one prior conviction or court ordered supervision for DUI, or one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or
- B) a BAC of .20 or higher as a result of the most current arrest for DUI; and/or
- C) other symptoms of substance abuse.

## 4) High Risk

The offender has: Such-offenders-shall-have

- A) symptoms of substance dependence (regardless of driving record); and/or
- B) within the a 10 ten year period prior to from the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents.

h) After the determination of risk, a corresponding intervention shall be recommended. However, that such recommendation shall be viewed as the minimum necessary and, as such, not the determinate intervention. Any subsequent information relevant to the offender's substance use or arrest history discovered during the offender's participation in risk education, early intervention and/or treatment shall be considered pertinent in formulating a recommendation for further services necessary to reduce the offender's risk to public safety. Initially, the following interventions for each designation of risk shall be selected and recommended:

## 1) Minimal Risk

Successful completion of a minimum of 10 ten hours of DUI risk education as defined in Section 2060.505 of this Part.

## 2) Moderate Risk

Successful completion of a minimum of 10 ten hours of DUI risk education as defined in this Part; a minimum of 12 twelve hours of early intervention as defined in Section 2060.401(a) provided over a minimum of four weeks with no more than three hours per day in any seven consecutive days; subsequent completion of any and all necessary treatment; and, after discharge, active ongoing participation in all activities specified in the continuing care plan, if so recommended following completion of the early intervention. This early intervention and any subsequent treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

## 3) Significant Risk

Successful completion of a minimum of 10 ten hours of DUI risk education as defined in this Part; a minimum of 20 hours of



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substance abuse treatment; and, upon completion of any and all necessary treatment, and, after discharge, active on-going participation in all activities specified in the continuing care plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

## 4) High Risk

Successful completion of a minimum of 75 hours of substance abuse treatment; and upon completion of any and all necessary treatment; and, after discharge, active on-going participation in all activities specified in the continuing care plan. This treatment shall be as specified in the ASAM Patient Placement Criteria and shall be conducted by an organization meeting the requirements specified in subsection (j) of this Section and Section 2060.401 of this Part.

i) A summary of the DUI evaluation, the assigned risk and the corresponding intervention shall be documented on the Department's "Alcohol and Drug Evaluation Uniform Report", which is produced by the DUI Service Reporting System (DSRS). All sections of this form shall be complete and it shall be signed by the offender at the facility.

j) Upon completion of the evaluation, all offenders:

- 1) who need substance abuse treatment shall be referred for appropriate services to organizations licensed pursuant to the Act or to individuals who are otherwise licensed in Illinois or any other state to provide such services.
  - 2) who need DUI risk education as defined in this Part shall be referred to such services licensed by the Department.
  - 3) shall verify that they have been shown, prior to referral, a listing of organizations as specified in subsection (j)(1) and (2) of this Section, unless an alternative process is established by court rule. The such verification shall be on the Department's "Referral List Verification Form".
- k) The evaluation is complete when all of the above referenced information is obtained and the "Alcohol and Drug Evaluation Uniform Report" is signed by the offender.

1) The "Alcohol and Drug Evaluation Uniform Report" shall be provided directly to the circuit court of venue, unless another court repository is specified by court rule. A copy shall also be given to the DUI offender upon completion of payment or as otherwise specified in subsection (b)(2) of this Section.

2) If the offender will be requesting a judicial driving permit from the circuit court of venue, an "Alcohol and Drug Evaluation Report Summary" shall also be completed. This form is supplied by the Office of the Secretary of State and required by Section 6-201 of the Illinois Driver Licensing Law [625 ILCS 5/6-201] and should be sent directly to the circuit court of venue, unless another court repository is specified by court rule.

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l) Evaluations shall be scheduled and completed so that the "Alcohol and Drug Evaluation Uniform Report" can be sent directly to the circuit court of venue at least five calendar days prior to the offender's court date, unless otherwise specified by court rule.

m) The evaluator shall be available to provide testimony relative to the DUI evaluation when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI offender.

n) The circuit court of venue or the Office of the Secretary of State, whichever is applicable, shall be notified, within five calendar days, when a DUI offender does not complete an evaluation or refuses to sign the evaluation. Such notification shall also be made, within five calendar days, when an offender does not return to sign the evaluation after 30 calendar days from the last face-to-face contact. The Such information needed to complete the evaluation shall be communicated using the Department's "Notice of Incomplete/Refused DUI Evaluation" form.

o) In addition to meeting the provisions specified in Section 2060.325 of this Part, the following documents shall also be contained in the DUI offender's record:

- 1) a copy of the offender's "Alcohol and Drug Evaluation Uniform Report" and narrative information to support the conclusions summarized in this report and a copy of the "Alcohol and Drug Evaluation Report Summary" if the offender requested judicial driving privileges;
- 2) a copy of the Driver Risk Inventory (DRI) report or Mortimer/Filkins test;
- 3) documentation to support any subsequent change in risk assignment or intervention;
- 4) a copy of the "Informed Consent Release" form;
- 5) documentation of the offender's driving record and chemical tests results;
- 6) a copy of "Notification of Incomplete or Refused Evaluation" form, if applicable; and
- 7) a copy of the "Referral List Verification" form.

(Source: Amended at 25 Ill. Reg. 11063, effective 11/14/2001)

## Section 2060.505 DUI Risk Education

a) The purpose of DUI risk education is to provide orientation to offenders regarding the impact of alcohol and other drug use on individual behavior and driving skills and to allow offenders to further explore the personal ramifications of their own substance use and abuse.

b) DUI risk education services shall be provided to any offender under the same terms and conditions regardless of ability to pay.

1) If an offender provides proof of indigence, in accordance with

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poverty guidelines established by the U.S. Department of Health and Human Services and published in the Department's annual Drunk and Drugged Driving Prevention Fund (DDDPF) billing manual, the organization providing the risk education may bill for reimbursement for the DUI evaluation from the DDDPF. All such reimbursement shall be via a rate established by the Department and in accordance with the Department's most current fiscal year DDDPF billing manual that--offender--is--then--eligible--for--the--indigency--fee.

2) Additionally, all reimbursement from the DDDPF is subject to availability of funds. Organizations shall have an alternative fee assessment and collection procedure for use should DDDPF funding not be available. However, if the reimbursement from the DDDPF or any additional fee assessed to the offender, as specified in subsection (b)(3) of this Section, has not been received ~~Ati--reasonable--efforts--shall--be--made--to--collect--the--indigency--fee--from--the--offender--prior--to--completion--of--the--risk--education--service--~~ However, if the fee is not collected from the indigent offender by the completion of services, documentation of successful completion of risk education shall still be released to the appropriate circuit court of venue or the Office of the Secretary of State in accordance with the provisions specified in this Section.

3) The organization may also assess a fee for the risk education to an indigent DUI offender when the organization's standard fee charged for risk education to a non-indigent DUI offender exceeds the rate of reimbursement provided by the Department. In such cases, the amount assessed to the offender shall not exceed the difference between the organization's standard fee and the Department's rate ~~The--unassessed--cost--of--the--service--may--be--submitted--as--a--claim--to--the--Department--for--reimbursement--from--the--Brunk--and--Drugged--Driving--Prevention--Fund--(BDDPP)--~~ Such--claims--shall--be--submitted--in--accordance--with--the--procedures--specified--in--the--Department's--most--current--fiscal--year--BDDPP--billing--manual.

4) Any organization choosing not to submit reimbursement such claims shall still provide services to indigent offenders in accordance with this Part ~~and--can--only--assess--the--indigency--fee--for--the--service.~~

c) The risk education curriculum shall include:

- 1) information on alcohol as a drug;
- 2) physiological and pharmacological effects of alcohol and other drugs, including their residual impairment on normal levels of driving performance;
- 3) other drugs, legal and illegal, and their effects on driving when used separately and/or in combination with alcohol;
- 4) substance abuse/dependence and the effect on individuals and families;
- 5) blood alcohol concentration (BAC) level and its effect on driving

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performance;  
6) information about Illinois driving under the influence laws and associated penalties;

7) factors that influence the formation of patterns of alcohol and drug abuse; and  
8) information about referrals for services that can address any identified problem that may increase the risk for future alcohol/drug related difficulty.

d) Risk education courses shall include a minimum of 10 ten hours of classroom instruction, divided into at least four sessions held on different days. No session shall exceed three hours in length.

e) A pre-test and post-test shall be designed and administered to offenders to assess the effectiveness of the service and any increase in knowledge in the curriculum areas. The pre-test and post-test shall be submitted for review by the Department at the time of application for licensure or license renewal.

f) In order to successfully complete risk education, the offender shall attend each session in its entirety and in proper sequence and achieve a score on the post-test of at least 75%.

g) Upon successful completion, a "DUI Risk Education Certificate of Completion" shall be issued to each offender. The Such certificate is produced by the DUI Service Reporting System (DSRS). All sections of this form shall be complete and it shall be signed by the DUI Risk Education Instructor.

h) Audio-visual presentations shall not comprise more than 25% of the total class time.

i) No more than 24 participants shall be permitted in any one class session.

j) Written rules shall be developed and provided to each DUI offender upon enrollment, which address the following:

- 1) criteria for admission;
- 2) criteria for disqualification;
- 3) responsibilities of the DUI offender;
- 4) sobriety and drug-free requirements during class; and
- 5) course outline, content and class schedule.

k) Prior to enrollment in risk education classes, the DUI offender shall provide a copy of his or her completed "Alcohol and Drug Evaluation Uniform Report" indicating that risk education has been recommended.

l) The organization that provided the evaluation or, if applicable, treatment service shall be notified in the event that information is discovered or disclosed while the offender is in risk education that indicates the offender was not correctly evaluated and is in need of additional services. The Such notification shall also be made to the circuit court of venue or the Office of the Secretary of State, if applicable.

m) The circuit court of venue or the Office of the Secretary of State, whichever is applicable, shall be notified, within five calendar days, when a DUI offender is involuntarily terminated from risk education.



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This information shall be communicated by using the Department's "Notice of Involuntary Termination from DUI Risk Education" form.

n) Each risk education instructor shall be available to provide testimony relative to the offender's participation in risk education when summoned by the circuit court of venue, the Office of the Secretary of State or the DUI offender.

o) In addition to meeting the provisions specified in Section 2060.325 of this Part, the following documents shall also be contained in the DUI offender's record:

- 1) a copy of the "Alcohol and Drug Evaluation Uniform Report";
- 2) the pre- and post-test specifying percentage scores;
- 3) a copy of the "DUI Risk Education Certificate of Completion";
- 4) a copy of "Notice of Involuntary Termination from DUI Risk Education" form, if applicable; and
- 5) a copy of any notification regarding a change in the risk level assignment and intervention.

(Source: Amended at 25 Ill. Reg. 110632, effective AUG 14 2001)

## Section 2060.509 Recovery Homes

Recovery Homes homes are alcohol and drug free housing components whose rules, peer-led groups, staff activities and/or other structured operations are directed toward maintenance of sobriety for persons who exhibit treatment resistance, relapse potential and/or lack of suitable recovery living environments in early recovery from substance abuse or who recently have completed substance abuse treatment services or who may be receiving such treatment services at another licensed facility. In order to be called a Recovery Home "recovery-home", the home shall:

- a) provide a structured alcohol and drug free environment for congregating living that shall offer regularly scheduled peer-led or community gatherings (self-help groups, etc.) that are held a minimum of five days per week and provide recovery education groups weekly;
- b) have written linkage agreements with substance abuse providers in accordance with the provisions specified in Section 2060.329 of this Part;
- c) establish a referral network to be utilized by residents for any necessary medical, mental health, substance abuse, vocational or employment resources;
- d) establish a budget that which specifies monthly operating expenses and demonstrates sufficient income to meet these expenses plus emergency reserve by providing documentation of access to a minimum sum equivalent to the total of two months of operating expenses;
- e) comply with all applicable zoning and local building ordinances and the provisions specified in Chapter 20 (Lodging or Rooming Houses) of the National Fire Protection Association's (NFPA) Life Safety Code of 2000 (no later amendments or editions included) 1994 for any building

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housing 16 or fewer residents and with the provisions specified in Chapter 17 (Existing Hotels and Dormitories) of the NFPA Life Safety Code of 2000 (no later amendments or editions included) 1994 for any building housing 17 or more residents;

f) maintain fire, hazard, liability and other insurance coverages appropriate to the administration of a recovery home;

g) employ at least one full-time Recovery Home Operator who is responsible for the daily operations at the Recovery Home recovery home (i.e., fiscal, personnel, rule compliance, etc.) who shall:

1) either:

- A) hold clinical certification from IAODAPCA or receive that such certification within two years after the date of employment; or

- B) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcohol Programs (AHHAP), RR 2 Box 415, Kerkhonkson, NY 12446 have a minimum of 300 hours of education in the field of substance abuse, 50% of which shall have been under clinical supervision of a professional staff as defined in Section 2060.309 of this Part; or

- C2) have a minimum of 2000 hours of work experience or 4000 hours of volunteer experience in the field of substance abuse of which 1500 hours shall have been in direct Recovery Support Systems Services (i.e., Residential Extended Care Facility or Recovery Home) clinical services; and

- 3) have two years of continuous sobriety; and
- 24) provide three letters of recommendation from substance abuse professional staff as defined in Section 2060.309 of this Part; and

- 35) provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Residential Extended Care Programs (IARCEP), Box 269180 991-South-Route-53, Chicago Addison, Illinois 60626, email address: IARCECOVERY@aol.com 60480; and

h) have on-site at least one Recovery Home Manager who oversees all Recovery Home recovery-home activities under the direction of the Recovery Home Operator. Recovery Home Managers shall:

- 1) hold certification as a National Certified Recovery Specialist (NCRS) as specified by the Association of Halfway House Alcoholism Programs of North America, Inc. 7 (AHHAP), RR2 Box 415 Kerkhonkson, NY 12446 606-Stewart-Avenue--St--Paul--Minnesota 66196, or receive such certification within two years after the date of after employment; or

- 2) hold certification from IAODAPCA or receive that such certification within two years after the date of employment; or
- 3) have a minimum of 1000 hours of work experience or 2000 hours of volunteer experience in the field of substance abuse of which 750 hours shall have been in direct Recovery Support Systems Services



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(i.e., Residential Extended Care Facility or Recovery Home) one year--of--continuous--sobriety--and--60--hours-of-substance-abuse education--and--training--verified-by-transcripts--certificates--of attendance--and/or--third--party--signed-statements--and provide a signed and dated acceptance of the Code of Ethics as established by the Illinois Association of Extended Care (IAEC), Box 269180, Chicago, Illinois, 60626, e-mail address: IAECRECOVERY@aol.com. The Recovery Home Operator may also function as the Recovery Home Manager as long as the requirements for both positions are met.

(Source: Amended at 25 Ill. Reg. 11063, effective Aug 14 2001)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3) Section Numbers: Adopted Action:  
530.70 Amendment  
530.80 Amendment  
530.90 Repealed  
530.100 Repealed  
530.110 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) Effective Date of Amendments: August 21, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 8, 2001, 25 Ill. Reg. 7037
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:  
Section 530.110(b)(3) - Eagle Creek State Park, removed November 28, December 2, 6; added December 28 and January 1, 5, 9, 13  
Section 530.110(b)(3) - Hamilton County Conservation Area, removed November 27, 30 and December 3, 6.  
Section 530.110(b)(3) - Mackinaw River, removed November 28 and December 6; added December 28 and January 1.  
Section 530.110(b)(3) - Victoria, removed December 2.  
Section 530.110(b)(3) - Wolf Creek, removed November 28 and December 6; added December 28 and January 1, 5, 9, 13.

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part is being amended to update the 2001 hunting dates, clarify regulations at both statewide and Department-owned or Department-managed sites, update a site name, and delete Sections pertaining to youth hunts.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,  
AND RABBIT HUNTING

## Section

- 530.10 Statewide General Regulations
- 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
- 530.30 Statewide Hungarian Partridge Regulations (Repealed)
- 530.40 Statewide Bobwhite Quail Regulations (Repealed)
- 530.50 Statewide Rabbit Regulations (Repealed)
- 530.60 Statewide Crow Regulations (Repealed)
- 530.70 Controlled Pheasant Hunting Sites Permit Requirements
- 530.80 Controlled Pheasant Hunting Regulations
- 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
- 530.100 Illinois Youth Pheasant Hunting Regulations (Repealed)
- 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
- 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
- 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
- 530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

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for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective Aug 21 2001.

## Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.

b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DNR operated sites except Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit authorizes the permit holder to bring one hunting partner. ~~{the hunting partner cannot hunt without the permit holder being present to-hunt-}~~ At Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit and Sand Ridge State Forest, the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except Sand Ridge and Wayne Fitzgerald State Park, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for

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daily usage stamps for Public Hunting Grounds for Pheasants. For other information write to:

Illinois Department of Natural Resources  
Pheasant  
524 South Second St., Room 210  
P.O. Box 19457  
Springfield, Illinois 62794-9457

d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, and Moraine View State Park, and Sand Ridge State Forest.  
e) ~~At Jim Edgar Panther Creek State Fish and Wildlife Area and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.~~

g) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 27 days in advance, and shall be on a first come-first served first-come, first-served basis. Sites where the conveyance will be available as well as dates of operation shall be publicly announced.

(Source: Amended at 25 Ill. Reg. 11119, effective Aug 21 2001)

## Section 530.80 Controlled Pheasant Hunting Regulations

a) Controlled Pheasant Hunting Seasons ~~The controlled hunting season is the first Wednesday of November through the next following December 31, both dates inclusive, with the following exceptions:~~

1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit



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Moraine View State ParkSand Ridge State ForestWayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting All areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season November 5 (except at the Richland County Controlled Pheasant Hunting Area where the Illinois Youth Pheasant Hunt will be November 19 and except at Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).

Des Plaines Conservation AreaEldon Hazlet State Park (Carlyle Lake)Iroquois County Conservation AreaJim Edgar Panther Creek State Fish and Wildlife Area Controlled UnitMoraine View State ParkSand Ridge State ForestWayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on the Des Plaines Conservation Area is closed during the November 3-day firearm deer season.
- 3a) The controlled hunting season on Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.
- 4) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the seventh Sunday following; exceptions are in parentheses:
- Iroquois County Conservation Area (closed during the November 3-day firearm deer season)
- 5) On the following areas the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the ninth Sunday following; exceptions are in parentheses:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season)

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Moraine View State Park

- 6) On the following areas the controlled pheasant hunting season is the first Wednesday of November through the ninth Sunday following:

Eldon Hazlet State ParkWayne Fitzgerald State Park

- 7) On the following areas the controlled pheasant hunting season is the first Saturday in November through the next following January 15; exceptions are in parentheses:

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit (closed during the November and December firearm deer seasons)

Sand Ridge State Forest

- 5) The controlled hunting season on the Jim Edgar Panther Creek State Fish and Wildlife Area is closed during the November and December firearm deer season.
- 6) The controlled hunting season on the Iroquois County Conservation Area is the first Wednesday of November through the next following December 17, except closed during the November 3-day firearm deer season.
- 7) The controlled hunting season on Sand Ridge State Forest is the first Saturday of November through the next following January 14. Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge State Forest). Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled between 7:00 a.m. and 8:00 a.m. (except at Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Silver Springs Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Jim Edgar Panther Creek State Fish and Wildlife Area Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).

Chain O' Lakes State Park -- 7:00-8:00 a.m.

Des Plaines Conservation Area -- 7:00-8:00 a.m.

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Eldon Hazlet State Park (Carlyle Lake) -- 7:00-8:00 a.m.

Horseshoe Lake State Park (Madison County) -- 8:00-8:30 a.m.

Iroquois County Conservation Area -- 7:00-8:00 a.m.

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit -- 8:00-8:30 a.m.

Moraine View State Park -- 7:00-8:00 a.m.

Ramsey Lake State Park -- 8:00-8:30 a.m.

Sand Ridge State Forest -- 8:00-8:30 a.m.

Silver Springs State Park -- 8:00-8:30 a.m.

Wayne Fitzgerald State Park (Rend Lake) -- 7:00 a.m.-12:00 noon

- c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon; except for Standing Vehicle Permittees wishing to hunt from the Department disabled conveyance.

- d) Hunting licenses, daily usage stamps and fees:

1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.

3) At Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Years Day hunters under 16 are not required to obtain a stamp.

4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park  
Horseshoe Lake State Park (Madison County)  
Ramsay Lake State Park  
Silver Springs State Park

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- e) Hunters must wear a back patch issued by the check station.  
f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Chain O' Lakes State Park, Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

- h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permittees and single dog handler for the Permittee).

- i) Hunters under 16 years of age must be accompanied by an adult hunter.

- j) Daily limits:

1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.

2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge State Forest.

3) Two cock pheasants, 8 bobwhite quail (first 10 ten days of the season only) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area.

4) Four cock pheasants at Chain O' Lakes State Park and Silver Springs State Park.

5) Four pheasants of either sex (except that on the first day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).

6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.

7) ~~The daily limit at Chain O' Lakes State Park will be publicly announced.~~

78) Two cock pheasants at Moraine View State Park and Lee County Conservation Area (Green River).

- k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.



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- 1) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 25 Ill. Reg. 11119, effective AUG 21 2001.)

### Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)

- a) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates, or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Natural Resources  
Pheasant  
524 South 2nd Street, Room 210  
P.O. Box 19457  
Springfield, Illinois 62714-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain Oakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Bidon-Hazlet

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State Park (Cariyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne-Pittsgerrell (Bend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park, and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).

(Source: Repealed at 25 Ill. Reg. 11119, effective AUG 21 2001.)

### Section 530.100 Illinois Youth Pheasant Hunting Regulations (Repealed)

- a) The Illinois Youth Pheasant Hunt will be November 5-2000, except at the Richland County Controlled Pheasant Hunting Area where the hunt will be November 19 and at Mackinaw River State Fish and Wildlife Area where the hunt will be the Saturday preceding the opening of the statewide upland game season.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake. Hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid firearm owner's identification card (FOID), the supervisory adult is required to have a valid FOID card. Only one supervisory adult in a hunting party is required to have a valid FOID card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID card.
- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead, tungsten iron, tungsten polymer, tungsten matrix, No. 4 bismuth or No. 3 steel or tin or smaller may be used, except at Wayne-Pittsgerrell State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of



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Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (Opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Lands)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. - 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst branch only) (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public

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No. 3 steel or tin; No. 4 bismuth; No. 5 tungsten-iron tungsten-polymer, tungsten-matrix or smaller may be used.

b) Daily limit:

1) Two pheasants of either sex at Bidon-Hazlet State Park; Ironquois County Conservation Area; Bes-Plaines Conservation Area; Richland County--Controlled-Pheasant-Hunting-Area; Wayne-Fitzgerrell State Park; Horseshoe Lake State Park (Madison County); and Sand-Ridge State Forest.

2) Two cock pheasants only at the Moraine-View State Park; Mackinaw River State Fish and Wildlife Area and Chain-O-Lakes State Park.

3) Statewide limits: Sangchris Lake State Park; Edward-R-Madigan State Park; and Jim-Edgar-Panther-Creek State Fish and Wildlife Area (Controlled Unit).

4) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward-R-Madigan State Park and Mackinaw River State Fish and Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Repealed at 25 Ill. Reg. 11119, effective 4/15/21/2001)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

a) General Site Regulations

- 1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.
- 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
- 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
- 5) Site specific rules or exceptions are noted in parentheses after each site.

b) Site Specific Regulations

- 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)

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Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1)~~

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kinkaid Lake Fish and Wildlife Area (1)

~~Mackinaw-River-Fish-and-Wildlife-Area-(closed-during-firearm deer--season;--pheasant--and--quail--close--the-Sunday-after Thanksgiving)-(1)~~

Marselles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

~~Panther-Creek-Conservation-Area-(1)~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

Red Hills State Park (8:00 a.m. to 4:00 p.m.) (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

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## Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (Obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Jim Edgar Panther Creek State Fish and Wildlife Area (open unit)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesday during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

## DEPARTMENT OF NATURAL RESOURCES

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- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DOC Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

Bradford Pheasant Habitat Area (Open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-87-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (Open only November 3, 4, 7, 10, 14, 17, 21, 24 47-57-87-117-157-187-227-257-29 and December 9, 13, 16, 20, 24, 28 and January 1, 5, 9, 13 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

East Conant (Open only November 7, 10, 12, 15, 19, 22, 25, 28 47 49-117-137-167-207-237-267-29 and December 3, 6, 8, 11, 14, 16, 20, 23, 27, 29 47-77-97-127-157-177-217-247-287-30 and January 2, 5, 8, 12 37-67-97-13; each permit authorizes the holder to bring 3 hunting partners)

Edward R. Madigan State Park (Open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (Open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (Open only November 3, 5, 7, 10, 12, 21, 24, 26 47-67-87-117-137-157-227-257-27 and December 4, 6, 9, 11, 16, 18, 20, 23 57-77-107-127-147-177-197-217-24; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (Open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-87-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)



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Hamilton County Conservation Area (Quail Unit) (open only November 3, 6, 9, 12, 15, 18, 21, 24 and December 9, 12, 15, 18, 21, 24, 27, 30 and January 5, 8, 11, 14; each permit authorizes the holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.) (1)

Harry "Babe" Woodyard State Natural Area (open only November 3, 4, 7, 10, 14, 21, 24, 28 47-57-07-117-157-227-257-29 and December 6, 9, 13, 16, 20, 24 77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours)

Herschel Workman Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Hindsboro Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Hurricane Creek Habitat Area (open only November 3, 4, 7, 10, 14, 21, 24, 28 47-57-07-117-157-227-257-29 and December 6, 9, 13, 16, 20, 24 77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Jim Edgar Panther Creek State Fish and Wildlife Area (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

Mackinaw River Fish and Wildlife Area (open only November 3, 4, 7, 10, 14, 21, 24 and December 9, 13, 16, 20, 24, 28 and January 1; each permit authorizes holder to bring 3 hunting partners)

Manito Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Maytown Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Perdueville Pheasant Habitat Area (open only November 3, 4, 7,

## DEPARTMENT OF NATURAL RESOURCES

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10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Sand Prairie Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 5 hunting partners)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting; December dates are for rabbits only)

Sato-Field--(open-only-November-47-07-117-167-207-237-267-29-and-December-47-17-327-157-177-217-247-28-and-January-37-67-97-137-each-permit-authorizes-the-holder-to-bring-3-hunting-partners)

Saybrook Pheasant Habitat Area (McLean County) (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Siloam Springs State Park Buckhorn Unit (open only November 16, 18, 29 and December 1, 4, 8, 11, 15, 18, 22, 25, 29 and January 1, 5, 8, 12, 15; each permit authorizes the holder to bring 3 hunting partners)

Steward Pheasant Habitat Area (open only November 3, 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 3 hunting partners)

Victoria Pheasant Habitat Area (open only November 4, 7, 10, 14, 17, 21, 24, 28 47-57-07-117-157-187-227-257-29 and December 2, 6, 9, 13, 16, 20, 24 37-77-107-147-177-217-24; each permit authorizes the holder to bring 5 hunting partners)

Willow Creek Habitat Area (open only November 3, 4, 7, 10, 14,

## DEPARTMENT OF NATURAL RESOURCES

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17, 21, 24, 28 and December 2, 6, 9, 13, 16, 20, 24; each permit authorizes the holder to bring 3 hunting partners)

Wolf Creek State Park (open only November 3, 4, 7, 10, 14, 21, 24 47-57-97-117-157-217-257-29 and December 9, 13, 16, 20, 24, 28 77 107-147-177-217-247-28 and January 1, 5, 9, 13; each permit authorizes holder to bring 3 hunting partners)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season: pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended at 25 Ill. Reg. 111195, effective AUG 21 2001)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: UIC Permit Program

- 2) Code citation: 35 Ill. Adm. Code 704

- 3) Section numbers: Adopted action:

704.102 Amend  
704.146 Amend  
704.282 Amend  
704.283 Amend  
704.284 Amend  
704.286 Amend  
704.287 Amend  
704.288 Amend

- 4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.

- 5) Effective date of amendments: August 14, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) The adopted amendments, a copy of the Board's opinion and order adopted August 9, 2001, and all materials incorporated by reference are on file at the Board's principal office and are available for public inspection and copying.

- 9) Notice of proposal published in Illinois Register: May 25, 2001, 25 Ill. Reg. 6599

- 10) Has JCAR issued a Statement of Objections to these amendments? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 11) Differences between proposal and final version: The following table summarizes the differences between the amendments proposed by the Board in an opinion and order dated May 3, 2001, in docket R01-30, and these adopted amendments. Many of the differences are explained in greater detail in the Board's final opinion and order of August 9, 2001.

Section Revised	Source(s) of Revision(s)
	Revision(s)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 704.283(a) Board note  
Added the introductory clause "in the corresponding . . . , USEPA states that this"; added the sentence, "Although the form . . . for use in this State."
- 704.283 Board note  
Board  
Added the date "(2000)" to the Code of Federal Regulations reference
- 704.284(b)(3)(B) Board  
Removed an unnecessary closing parenthesis mark
- 704.286 "community water system"  
Board  
Moved a comma inside a closing quotation mark
- 704.286 "non-transient non-community water system"  
Board  
Moved a comma inside a closing quotation mark
- 704.286 "delineation"  
Board  
Moved a period inside a closing quotation mark
- 704.286 "other sensitive groundwater areas"  
Board  
Moved a period inside a closing quotation mark
- 704.287(a) Board note  
Board  
Capitalized the word "State"
- 704.288(a)(1)(B) Board note  
Agency  
Added the introductory clause "in the corresponding . . . , USEPA states that this"; removed the parenthetical statement "available from the Agency on request"; added the sentence, "Although the form . . . for use in this State."
- 704.288(b)(1)(G) Board note  
Agency  
Added the introductory clause "in the corresponding . . . , USEPA states that this"; removed the parenthetical statement "available

## POLLUTION CONTROL BOARD

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- from the Agency on request"; added the sentence, "Although the form . . . for use in this State."
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of May 25, 2001, in R01-30, which opinion and order is available from the address below. The R01-30 proceeding corrects certain rules recently adopted in the consolidated underground injection control (UIC) update dockets UIC Update, USEPA Amendments (July 1, 1999, through December 31, 1999) and UIC Update, USEPA Amendments (January 1, 2000, through June 30, 2000) (December 7, 2000), R00-11/R01-1 (consolidated). As is explained in the May 25, 2001 opinion and order, the Board opened this docket to consider concerns raised by the United States Environmental Protection Agency (USEPA) since the rules' adoption. USEPA raised two areas of major concern over the rules, four areas of minor concern, and four general observations on the rules. The Board made some changes in the amendments as proposed in response to the only public comments filed in this proceeding, which were filed by the Illinois Environmental Protection Agency (Agency).

16) Information and questions regarding these adopted amendments shall be directed to:

Please reference Docket R01-30 and direct inquiries to the following person:

Michael J. McCambridge  
Staff Attorney  
Illinois Pollution Control Board  
100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924



## POLLUTION CONTROL BOARD

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Request copies of the Board's opinion and order of May 25, 2001 from Linda Webster, at 312-814-3620. Alternatively, you may obtain a copy of the Board's opinion and order from the Internet at <http://www.ipcb.state.il.us>.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: PERMITS

## PART 704

## UIC PERMIT PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section	Content
704.101	Scope of the Permit or Rule Requirement
704.102	Identification of Aquifers
704.103	Exempted Aquifers
704.104	Specific Inclusions and Exclusions
704.105	Classification of Injection Wells
704.106	Definitions
704.107	

## SUBPART B: PROHIBITIONS

Section	Content
704.121	Prohibition of Unauthorized Injection
704.122	Prohibition of Movement of Fluid into USDW
704.123	Identification of USDW and Exempted Aquifers
704.124	Prohibition of Class IV Wells

## SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	Content
704.141	Existing Class I and III Wells
704.142	Prohibitions on Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Wells
704.146	Class V Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring other Information
704.150	Requirements for Class I and III Wells authorized by Rule
704.151	RCRA Interim Status for Class I Wells

## SUBPART D: APPLICATION FOR PERMIT

Section	Content
704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

704.164 Signatories to Permit Applications

## SUBPART E: PERMIT CONDITIONS

## Section

704.181 Additional Conditions  
 704.182 Establishing UIC Permit Conditions  
 704.183 Construction Requirements  
 704.184 Corrective Action  
 704.185 Operation Requirements  
 704.186 Hazardous Waste Requirements  
 704.187 Monitoring and Reporting  
 704.188 Plugging and Abandonment  
 704.189 Financial Responsibility  
 704.190 Mechanical Integrity  
 704.191 Additional Conditions  
 704.192 Waiver of Requirements by Agency  
 704.193 Corrective Action  
 704.194 Maintenance and Submission of Records

SUBPART F: REQUIREMENTS FOR WELLS INJECTING  
 HAZARDOUS WASTE

## Section

704.201 Applicability  
 704.202 Authorization  
 704.203 Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I  
 HAZARDOUS WASTE INJECTION WELLS

## Section

704.210 Applicability  
 704.211 Definitions  
 704.212 Cost Estimate for Plugging and Abandonment  
 704.213 Financial Assurance for Plugging and Abandonment  
 704.214 Trust Fund  
 704.215 Surety Bond Guaranteeing Payment  
 704.216 Surety Bond Guaranteeing Performance  
 704.217 Letter of Credit  
 704.218 Plugging and Abandonment Insurance  
 704.219 Financial Test and Corporate Guarantee  
 704.220 Multiple Financial Mechanisms  
 704.221 Financial Mechanism for Multiple Facilities  
 704.222 Release of the Owner or Operator  
 704.230 Incapacity  
 704.240 Wordings of the Instruments

## POLLUTION CONTROL BOARD

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## SUBPART H: ISSUED PERMITS

## Section

704.260 Transfer  
 704.261 Modification  
 704.262 Causes for Modification  
 704.263 Well Siting  
 104.264 Minor Modifications

## SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

## Section

704.279 General  
 704.280 Definition of a Class V Injection Well  
 704.281 Examples of Class V Injection Wells  
 704.282 Protection of Underground Sources of Drinking Water  
 704.283 Notification of a Class V Injection Well  
 704.284 Permit Requirements  
 704.285 Applicability of the Additional Requirements  
 704.286 Definitions  
 704.287 Location in a Groundwater Protection Area or Another Sensitive Area  
 704.288 Additional Requirements  
 704.289 Closure of a Class V Injection Well

AUTHORITY: Implementing Sections 7.2, 13, and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/7.2, 13, 22.4, and 27].

SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended at R00-11/R01-1 at 24 Ill. Reg. 18612, effective December 7, 2000; amended in R01-30 at 25 Ill. Reg. 11139, effective

AUG 14 2001

## SUBPART A: GENERAL PROVISIONS

## Section 704.102 Scope of the Permit or Rule Requirement

Although five classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705, and 730 regulates underground injection for only four classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class

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II wells (Section 704.106(b)) are not subject to the requirements found in 35 Ill. Adm. Code 702, 704, 705, and 730. The UIC permit program for Class II wells is regulated by the Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division, pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 Ill. Adm. Code 240). All owners or operators of Class I, Class III, Class IV, or Class V injection wells must be authorized either by permit or rule. In carrying out the mandate of the SDWA, this Part provides that no injection must be authorized by permit or rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122) if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142 or may adversely affect the health of persons. (Section 704.122). Section 704.124 prohibits the construction, operation, or maintenance of a Class IV injection well. Existing Class IV wells that inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited. (Section 704.124). Class V wells are regulated under Subpart I of this Part will be inventoried and assessed, and regulatory action will be established at a later date. If in the meantime, if remedial action appears necessary prior to the establishment of regulations directly applicable to a specific type of Class V injection well, an individual permit may be required (Subpart C of this Part) or the Agency must require remedial action or closure by order (Section 704.122(c)).

BOARD NOTE: Derived from 40 CFR 144.1(g) preamble (2000) (1999).

(Source: Amended at 25 Ill. Reg. 11139, effective AUG 14 2001)

## Section 704.146 Class V Wells

- a) A ~~injection into~~ Class V well ~~is~~ is authorized by rule, subject to the conditions set forth in Section 704.284.
- b) Duration of well authorization by rule. Well authorization under this Section expires upon the effective date of a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.
- c) Prohibition of injection. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:

- 1) Upon the effective date of an applicable permit denial;
- 2) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;
- 3) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148; or
- 4) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149.

BOARD NOTE: Derived from 40 CFR 144.24 (2000) (1999) as amended at 64 Fed. Reg. 68566 (Dec. 7, 1999).

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(Source: Amended at 25 Ill. Reg. 11139, effective AUG 14 2001)

## SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

## Section 704.282 Protection of Underground Sources of Drinking Water

This Subpart I requires that an owner or operator of a Class V injection well must not allow movement of fluid into USDWs that might cause endangerment, that the owner or operator must comply with the UIC requirements in this Part and 35 Ill. Adm. Code 702 and 730, that the owner or operator must comply with any other measures required by the State or USEPA to protect USDWs, and that the owner or operator must properly close its well when the owner or operator is through using it. The owner or operator also must submit basic information about its well, as described in Section 704.283.

- a) Prohibition of fluid movement.
  - 1) As described in Section 704.122(a), an owner's or operator's injection activity cannot allow the movement of fluid containing any contaminant into USDWs if the presence of that contaminant may cause a violation of the primary drinking water standards under 35 Ill. Adm. Code 611, may cause a violation of other health based standards, or may otherwise adversely affect the health of persons. This prohibition applies to the owner's or operator's well construction, operation, maintenance, conversion, plugging, closure, or any other injection activity.
  - 2) If the Agency or USEPA learns that an owner's or operator's injection activity may endanger USDWs, the Agency or USEPA may require the owner or operator to close its well, require the owner or operator to get a permit, or require other actions listed in Section 704.122(c), (d), or (e).
- b) Closure requirements. An owner or operator must close the well in a manner that complies with the above prohibition of fluid movement. Also, the owner or operator must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to its well in accordance with all applicable federal, State, and local regulations and requirements.
- c) Other requirements in this Part and 35 Ill. Adm. Code 702 and 730. Beyond this Subpart, the owner and operator are subject to other UIC program requirements in this Part and 35 Ill. Adm. Code 702 and 730. While most of the relevant requirements are repeated or referenced in this Subpart for convenience, the owner or operator needs to read all of this Part and 35 Ill. Adm. Code 702 and 730 to understand the entire UIC program.
- d) Other State or USEPA requirements. This Part and 35 Ill. Adm. Code 702 and 730 define minimum federally-derived UIC requirements. The Agency has and USEPA Region V have the flexibility to establish additional or more stringent requirements based on the authorities in this Part and 35 Ill. Adm. Code 702 and 730 and 40 CFR 144 through



## POLLUTION CONTROL BOARD

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447, if such additional requirements are determined to be necessary to protect USDWs. The owner and operator must comply with any such additional requirements. The owner or operator should contact the Agency or USEPA-Region-V to learn more.

BOARD NOTE: Derived from 40 CFR 144.82 (2000) 7-as-added-at-64-Ped-Reg-68567 (December-77-1999).

(Source: Amended at 25 Ill. Reg. 11139, effective AUG 14 2001)

## Section 704.283 Notification of a Class V Injection Well

The owner or operator of a Class V injection well needs to provide basic "inventory information" about its well to the Agency, if the owner or operator has not done so already. The owner or operator also needs to provide any additional information that the Agency requests in accordance with the provisions of the UIC regulations.

- a) Inventory requirements. Unless the owner or operator knows it has already satisfied the inventory requirements in Section 704.128 that were in effect prior to the issuance of this Subpart I, the owner or operator must give the Agency certain information about itself and its injection operation.

BOARD NOTE: In the corresponding note to 40 CFR 144.83(a), USEPA states that this information is requested on national form "Inventory of Injection Wells," OMB No. 2040-0042. Although the form OMB No. 2040-0042 is acceptable to USEPA, the Agency may develop alternative forms for use in this State.

- 1) The owner or operator of a new or existing Class V injection well must contact the Agency to determine what information it must submit and by when it must submit that information.

- 2) The following is the information that the owner or operator must submit:

A) No matter what type of Class V well is owned or operated, the owner or operator must submit at least the following information for each Class V well: facility name and location; name and address of a legal contact person for the facility; the ownership of the facility; the nature and type of the injection well or wells; and the operating status of the injection well or wells.

B) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(a)(2)(ii) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

C) The owner or operator must provide a list of all wells it owns or operates, along with the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is

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acceptable.)  
i) The location of each well or project given by Township, Range, Section, and Quarter-Section--or--by latitude--and--longitude--to--the--nearest--second--according to the U.S. Land Survey System conventional practice-in-this-State;

- ii) The date of completion of each well;
- iii) The identification and depth of the underground formation(s) into which each well is injecting;
- iv) The total depth of each well;
- v) A construction narrative and schematic (both plan view and cross-sectional drawings);
- vi) The nature of the injected fluids;
- vii) The average and maximum injection pressure at the wellhead;
- viii) The average and maximum injection rate; and
- ix) The date of the last inspection.

- 3) The owner and operator is responsible for knowing about, understanding, and complying with these inventory requirements.

- b) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(b) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.83 (2000) 7-as-added-at-64-Ped-Reg-68567 (December-77-1999).

(Source: Amended at 25 Ill. Reg. 11139, effective AUG 14 2001)

## Section 704.284 Permit Requirements

No permit is required for a Class V injection well, unless the owner or operator falls within an exception described in subsection (b) of this Section.

- a) General authorization by rule. With certain exceptions listed in subsection (b) of this Section, an owner's or operator's Class V injection activity is "authorized by rule," meaning that the owner and operator has to comply with all the requirements of this Subpart and the rest of this Part and 35 Ill. Adm. Code 702 and 730, but the owner or operator does not need to get an individual permit. Well authorization expires once the owner or operator has properly closed its well, as described in Section 704.282(b).

- b) Circumstances in which permits or other actions are required. If an owner or operator fits into one of the categories listed below, its Class V well is no longer authorized by rule. This means that the owner or operator has to either get a permit or close its injection well. The owner or operator can find out whether its well falls into one of these categories by contacting the Agency or USEPA-Region-V. Subparts D and H of this Part tell an owner or operator how to apply

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for a permit and describe other aspects of the permitting process. Subpart C of 35 Ill. Adm. Code 702 and Subpart E of this Part outline some of the requirements that apply to the owner or operator if it gets a permit. An owner or operator must either obtain a permit or close its injection well if any of the following is true:

- 1) The owner or operator fails to comply with the prohibition against fluid movement in Section 704.122(a) and described in Section 704.282(a) (in which case, the owner or operator must get a permit, close its well, or comply with other conditions determined by the Agency or USEPA-Region-V);
- 2) The Class V injection well is a large-capacity cesspool (in which case, the owner or operator must close its well as specified in the additional requirements set forth in Section 704.288) or the Class V injection well is a motor vehicle waste disposal well in a groundwater ground-water protection area or a sensitive groundwater ground-water area (in which case, the owner or operator must either close its well or get a permit as specified in the additional requirements set forth in Section 704.288). New motor vehicle waste disposal wells and new cesspools are prohibited;

BOARD NOTE: A new motor vehicle waste disposal well or a new cesspool is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.84(a)(2) (2000) ~~as added at 40 CFR 68568-6 December 77-1999~~.

- 3) The owner or operator is specifically required by the Agency or USEPA-Region-V to get a permit (in which case, the authorization by rule expires on the effective date of the permit issued, or the owner or operator is prohibited from injecting into its well upon the occurrence of either of the following:
  - A) The failure of the owner and operator to submit a permit application in a timely manner, as specified in a notice from the Agency; or
  - B) The effective date of a permit denial;

4) The owner or operator has failed to submit inventory information to the Agency, as described in Section 704.283(a) (in which case, the owner and operator is prohibited from injecting into the well until it complies with the inventory requirements); or

- 5) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.84(b)(5) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.84 (2000) ~~as added at 64 Fed. Reg. 68568 6 December 77-1999~~.

(Source: Amended at 25 Ill. Reg. ~~111393~~, effective Aug 14 2001)

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## Section 704.286 Definitions

"State drinking water source assessment and protection program" is a new approach to protecting drinking water sources, specified in section 1453 of the 1996 Amendments to the Safe Drinking Water Act (42 USC 300j-13).

BOARD NOTE: Under the federal requirements, states must prepare and submit for USEPA approval a program that sets out how each state will conduct local assessments, including the following: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; and determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination. The Illinois Groundwater Protection Act [415 ILCS 55] and the regulations at 35 Ill. Adm. Code 620 adopted pursuant to that law and Sections 14.1 through 14.6 and 17.1 through 17.4 of the Environmental Protection Act [415 ILCS 14.1- 14.6 and 17.1-17.4] and the regulations at 35 Ill. Adm. Code 615 through 617 adopted under those provisions are major segments of the required Illinois program.

"Complete local source water assessment for groundwater protection areas." When USEPA has approved a state's drinking water source assessment and protection program, the state will begin to conduct local assessments for each public water system in that state. For the purposes of this Subpart, local assessments for community water systems and non-transient non-community systems are complete when the four following requirements are met:

The State must delineate the boundaries of the assessment area for community and non-transient non-community water systems, as such are defined in 35 Ill. Adm. Code 611.101;

The State must identify significant potential sources of contamination in these delineated areas;

The State must determine the susceptibility of community and non-transient non-community water systems in the delineated area to such contaminants; and

The Agency must make the completed assessments available to the public.

BOARD NOTE: The Agency administers the "Illinois Source Water Assessment and Protection Program," which is intended to comply with the federal source water assessment requirements of SDWA Section 1453 (42 USC 300j-13).

The State will develop its own plan for making the completed

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assessments-available-to-the-public-

"Groundwater protection area" is a geographic area near or surrounding a community or non-transient non-community water system, as defined in 35 Ill. Adm. Code 611.101, that uses groundwater as a source of drinking water. For the purposes of this Subpart I, the Board considers a "setback zone," as defined in Section 3.61 of the Act [415 ILCS 5/3.61] and regulated pursuant to Sections 14.1 through 14.6 of the Act [415 ILCS 5/14.1-14.6], to be a groundwater protection area," as intended by corresponding 40 CFR 144.86(c). (See 35 Ill. Adm. Code 615 and 616.) These areas receive priority for the protection of drinking water supplies and federal law requires the State to delineate and assess these areas under section 1453 of the federal Safe Drinking Water Act, 42 USC 300j-13. The additional requirements in Section 704.288 apply to an owner or operator if its Class V motor vehicle waste disposal well is in a groundwater protection area for either a community water system or a non-transient non-community water system.

BOARD NOTE: USEPA stated in corresponding 40 CFR 144.86(c) that in many states these areas will be the same as wellhead protection areas delineated as described in section 1428 of the federal SDWA, 42 USC 300h-7.

"Community water system," as defined in 35 Ill. Adm. Code 611.101, is a public water system that serves at least 15 service connections used by year-round residents or which regularly serves at least 25 year-round residents.

"Non-transient non-community water system," as defined in 35 Ill. Adm. Code 611.101, is a water system that is not a community water system and which regularly serves at least 25 of the same people over six months a year. These may include systems that provide water to schools, day care centers, government or military installations, manufacturers, hospitals or nursing homes, office buildings, and other facilities.

"Delineation," Once the State's drinking water source assessment and protection program is approved by USEPA, the State will begin delineating its local assessment areas. "Delineation" is the first step in the assessment process in which the boundaries of groundwater protection areas are identified.

"Other sensitive groundwater areas," The State may also identify other areas in the State in addition to groundwater protection areas that are critical to protecting underground sources of drinking water from contamination. For the purposes of this Subpart I, the Board considers a "regulated recharge area," as defined in Section 3.67 of the Act [415 ILCS 5/3.67] and regulated pursuant to Sections 17.1

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through 17.4 of the Act [415 ILCS 5/17.1-17.4], to be an "other sensitive groundwater area," as intended by corresponding 40 CFR 144.86(g). (See 35 Ill. Adm. Code 615 through 617.) These other sensitive groundwater areas may include areas such as areas overlying sole-source aquifers; highly productive aquifers supplying private wells; continuous and highly productive aquifers at points distant from public water supply wells; areas where water supply aquifers are recharged; karst aquifers that discharge to surface reservoirs serving as public water supplies; vulnerable or sensitive hydrogeologic settings, such as glacial outwash deposits, eolian sands, and fractured volcanic rock; and areas of special concern selected based on a combination of factors, such as hydrogeologic sensitivity, depth to groundwater, significance as a drinking water source, and prevailing land-use practices.

BOARD NOTE: Derived from 40 CFR 144.86 (2000) ~~7-as-added-at--64--Ped-~~ Reg-68569--~~December-77-1999~~.

(Source: Amended at 25 Ill. Reg. 111393, effective AUG 14 2000)

### Section 704.287 Location in a Groundwater Protection Area or Another Sensitive Area

a) A person is subject to the requirements of Section 704.288 if the person owns or operates an existing motor vehicle well and that person is located in a groundwater ground-water protection area or another sensitive groundwater ground-water area. If the State fails to identify these areas within the federally-specified time frames, the additional requirements of Section 704.288 will apply to all existing motor vehicle waste disposal wells within this State.

BOARD NOTE: Corresponding 40 CFR 144.87(a) provides that the "new requirements" apply statewide if the State state or the USEPA Region fails to identify sensitive groundwater areas. The Board has interpreted "new requirements" as synonymous with "additional requirements" elsewhere in this Subpart I. ~~Further--the-Board-has-not included--this-statewide-applicability-provision--because~~ Sections 14.1 through 14.6 and 17.1 through 17.4 of the Act [415 ILCS 5/14.1-14.6 and 17.1-17.4] and 35 Ill. Adm. Code 615 through 617 designate protected groundwater resources and allow the designation of other sensitive areas for protection. Further, the Illinois Groundwater Protection Act [415 ILCS 55], and the regulations adopted as 35 Ill. Adm. Code 620 under that statute, protect the quality of all groundwater resources in Illinois.

b) Groundwater Ground---water protection areas. Many segments of corresponding 40 CFR 144.87(b) set forth requirements applicable to the State only. Other requirements apply to the regulated community contingent on the regulatory status of the Illinois groundwater protection program. The Board codifies the requirements applicable to



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the State in this subsection (b) for the purpose of informing the regulated public and clarifying the requirements on the regulated community.

1) For the purpose of this Subpart, USEPA requires States to complete all local source water assessments for groundwater ground-water protection areas by January 1, 2004. Once a local assessment for a groundwater ground-water protection area is complete every existing motor vehicle waste disposal well owner in that groundwater ground-water protection area has one year to close the well or receive a permit. If the State fails to complete all local assessments for groundwater ground-water protection areas by January 1, 2004, the following may occur:

A) The new requirements in this Subpart I will apply to all existing motor vehicle waste disposal wells in the State and the owner and operator of a motor vehicle waste disposal well located outside of the areas of the completed area assessments for groundwater ground-water protection areas must close their well or receive a permit by January 1, 2005.

B) USEPA may grant a state an extension for up to one year from the January 1, 2004 deadline if the state is making reasonable progress toward completing the source water assessments for groundwater ground-water protection areas. States must apply for the extension by June 1, 2003. If a state fails to complete the assessments for the remaining groundwater ground-water protection areas by the extended date, the rule requirements will apply to all motor vehicle waste disposal wells in the state, and owners and operators of motor vehicle waste disposal wells located outside of groundwater ground-water protection areas with completed assessments must close their well or receive a permit by January 1, 2006.

2) The Agency must extend the compliance deadline for specific motor vehicle waste disposal wells for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

c) Other sensitive groundwater ground-water areas. Existing motor vehicle waste disposal well owners and operators within other sensitive groundwater ground-water areas have until January 1, 2007 to receive a permit or close the well. If the State fails to identify these additional sensitive groundwater areas by January 1, 2004, the additional requirements of Section 704.288 will apply to all motor vehicle waste disposal wells in the State effective January 1, 2007.

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unless they are subject to a different compliance date pursuant to subsection (b) of this Section. If USEPA has granted the State an extension of the time to delineate sensitive groundwater ground-water areas, the owner or operator of an existing motor vehicle waste disposal well within a sensitive groundwater ground-water area has until January 1, 2008 to close the well or receive a permit, unless the owner or operator is subject to a different compliance date pursuant to subsection (b) of this Section. If the State has been granted an extension and fails to delineate sensitive areas by the extended date, an owner or operator has until January 1, 2008 to close the well or receive a permit, unless it is subject to a different compliance date pursuant to subsection (b) of this Section.

BOARD NOTE: Corresponding 40 CFR 144.87(c) provides that the State has until January 1, 2004 to identify sensitive groundwater areas. It also provides that USEPA may extend that deadline for up to an additional year if the State is making reasonable progress towards identifying such areas and the State has applied for the extension by June 1, 2003. The Board has not included these provisions relating to deadlines for State action because they impose requirements on the State, rather than on regulated entities. Further, the corresponding federal rule provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas and that "the rule requirements" apply in the event of an extension granted by USEPA and the State fails to delineate sensitive areas. The Board has interpreted "new requirements" and "rule requirements" as synonymous with "additional requirements" as used elsewhere in this Subpart I. Finally, the Board has not included this statewide applicability provision because Sections 17.1 through 17.4 of the Act [415 ILCS 5/17.1-17.4], Section 8 of the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620 protect groundwater resources and allow the designation of sensitive areas.

d) Finding out if a well is in a groundwater protection area or sensitive groundwater area. The Agency must make that listing available for public inspection and copying upon request. Any interested person may contact the Illinois Environmental Protection Agency, Bureau of Water, Division of Public Water Supplies at 1021 North Grand Ave. East, P.O. Box 19276, Springfield, Illinois 62794-9276 (217-785-8653) to obtain information on the listing or to determine if any Class V injection well is situated in a groundwater protection area or another sensitive groundwater area.

e) Changes in the status of the State drinking water source assessment and protection program. If the State assesses a groundwater ground water protection area for groundwater ground-water supplying a new community water system or a new non-transient non-community water system after January 1, 2004, or if the State re-delineates the boundaries of a previously delineated groundwater ground-water protection area to include an additional area, the additional

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regulations of Section 704.288 would apply to any motor vehicle waste disposal well in such an area. The additional regulations apply to the affected Class V injection well one year after the State completes the local assessment for the groundwater ground-water protection area for the new drinking water system or the new re-delineated area. The Agency must extend this deadline for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

- f) If the State elects not to delineate the additional sensitive groundwater ground-water areas, the additional regulations of Section 704.288 apply to all Class V injection wells in the State, regardless of the location, on January 1, 2007, or January 1, 2008 if an extension has been granted as provided in subsection (c) of this Section, except for wells in groundwater ground-water protection areas that are subject to different compliance deadlines explained in subsection (b) of this Section.

- g) Application of requirements outside of groundwater protection areas and sensitive groundwater ground-water areas. The Agency must apply the additional requirements in Section 704.288 to an owner or operator, even if the owner's or operator's well is not located in the areas listed in subsection (a) of this Section, if the Agency determines that the application of those additional requirements is necessary to protect human health and the environment.

BOARD NOTE: Any Agency determination to apply the additional requirements of Section 704.288 is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40]. The Board has omitted certain segments of corresponding 40 CFR 144.87 that encouraged State actions, since those segments did not impose requirements on the regulated community.

BOARD NOTE: Derived from 40 CFR 144.87 (2000) was added at 64--Fed.--Reg-68569--(December-77-1999).

(Source: Amended at 25 Ill. Reg. 11139, effective August 14 2001)

## Section 704.288 Additional Requirements

Additional requirements are as follows:

- a) Additional Requirements for Large-Capacity Cesspools Statewide. See Section 704.285 to determine the applicability of these additional requirements.

- 1) If the cesspool is existing (operational or under construction by April 5, 2000):

- A) The owner or operator must close the well by April 5, 2005.

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- B) The owner or operator must notify the Agency of its intent to close the well at least 30 days prior to closure.

BOARD NOTE: In the corresponding note to 40 CFR 144.83(a), USEPA states that this ~~was~~ information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells." Although the form "Preclosure Notification for Closure of Injection Wells" is acceptable to USEPA, the Agency may develop alternative forms for use in this State. ~~available from the Agency on request.~~

- 2) If the cesspool is new or converted (construction not started before April 5, 2000) it is prohibited.

BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.

- b) Additional Requirements for Motor Vehicle Waste Disposal Wells. See Section 704.285 to determine the applicability of these additional requirements.

- 1) If the motor vehicle waste disposal well is existing (operational or under construction by April 5, 2000) the following applies:

- A) If the well is in a groundwater ground-water protection area, the owner or operator must close the well or obtain a permit within one year after the completion of the local source water assessment; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option;

- B) If the well is in an other sensitive groundwater area, the owner or operator must close the well or obtain a permit by January 1, 2007; the Agency may extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option;

- C) If the owner or operator plans to seek a waiver from the ban and apply for a permit by the date the owner or operator submits its permit application, the owner or operator must meet the maximum contaminant levels (MCLs) for drinking water, set forth in 35 Ill. Adm. Code 611, at the point of injection while the permit application is under review, if the owner or operator chooses to keep operating the well;

- D) If the owner or operator receives a permit, the owner or operator must comply with all permit conditions by the dates specified in its permit, if the owner or operator chooses to keep operating the well, including requirements to meet MCLs and other health based standards at the point of injection, follow best management practices, and monitor the injectate

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## and sludge quality;

- E) If the State has not completed all of its local assessments by January 1, 2004 (or by the extended date if the State has obtained an extension, as described in Section 704.287), and the well is outside an area with a completed assessment, the owner or operator must close the well or obtain a permit by January 1, 2005, unless the State obtains an extension, as described in Section 704.287(b), in which case the deadline is January 1, 2006; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology and the extension is necessary to implement the compliance option;
- F) If the State has not delineated other sensitive groundwater ground--water areas by January 1, 2004, and the well is outside of an area with a completed assessment, the owner or operator must close the well or obtain a permit regardless of its location by January 1, 2007, unless the State obtains an extension as described in Section 704.287(c), in which case the deadline is January 2008; or
- G) If the owner or operator plans to close its well, the owner or operator must notify the Agency of its intent to close the well (this includes closing the well prior to conversion) by at least 30 days prior to closure.

BOARD NOTE: In the corresponding note to 40 CFR 144.83(a), USEPA states that this information is requested on the federal form entitled "preclosure Notification for Closure of Injection Wells," available from the Agency on request. Although the form "preclosure Notification for Closure of Injection Wells" is acceptable to USEPA, the Agency may develop alternative forms for use in this State.

BOARD NOTE: Any Agency determination of the most efficient compliance option under subsection (b)(1)(A), (b)(1)(B), or (b)(1)(E) is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

- 2) If the motor vehicle waste disposal well is new or converted (construction not started before April 5, 2000) it is prohibited. BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.

BOARD NOTE: Derived from 40 CFR 144.88 [2000], as added at 64 Fed. Reg. 60570 December 7, 1999.

(Source: Amended at 25 Ill. Reg. 111392, effective August 14, 2001)

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- 1) Heading of the Part: Illinois Alzheimer's Disease and Related Disorders Assistance Code
- 2) Code Citation: 77 Ill. Adm. Code 710
- 3) Section Numbers:  
 710.10 Amendment  
 710.20 Amendment  
 710.30 Amendment  
 710.40 Amendment  
 710.100 Amendment  
 710.110 Amendment  
 710.120 Amendment  
 710.130 Amendment  
 710.140 Amendment  
 710.165 Amendment  
 710.200 Amendment  
 710.210 Amendment  
 710.220 Amendment  
 710.230 Amendment  
 APPENDIX A
- 4) Statutory Authority: Authorized by and implementing the Alzheimer's Disease Research Act [410 ILCS 410] and Alzheimer's Disease Assistance Act [410 ILCS 405].

- 5) Effective Date of Amendments: September 1, 2001

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? Yes

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposed Rulemaking Published in the Illinois Register: February 9, 2001 at 25 Ill. Reg. 2267.

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this rulemaking? No

- 11) Difference between proposal and final version: Replaced Section 710.30 with:

"Section 710.30 Incorporated Materials

- a) The following materials are incorporated or referenced in this Part:



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- 1) Alzheimer's Disease Assistance Act [410 ILCS 405] ~~{fiii--Rev-Stat--1987--ch--iii--1/27--par--695i--et--seq--}~~ (see Section 710.20). <sup>7</sup>
- 2) Alzheimer's Disease Research Act [410 ILCS 410] ~~{fiii--Rev--Stat--1987--ch--iii--1/27--par--690i--et--seq--}~~ (see Section 710.20). <sup>7</sup>
- b) The following materials are referenced in this Part:
  - 1) Freedom of Information Code rules (2 Ill. Adm. Code 1126) (see Section 710.40). <sup>7</sup>
  - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see Section 710.50). <sup>7</sup>
  - 3) Protection of Identity of Research Subjects (42 CFR 2.64(a)-(j), 2a.6(a)-(b), and 2a.7 20-7 (a)-(b)) (see Section 710.230).
- c) All citations to federal regulation in this Part concern the specified regulations in the 2000 1997 Code of Federal Regulations, unless another date is specified.
- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified."

In Section 710.100, inserted explanatory parenthetical "(Department of Public Health Regions 6 and 7)".

And added the following changes:

"b) The ADRD regions consist of the following Illinois Department of Public Health regions:

- 1) The ADRD Chicago Region consists of Illinois Department of Public Health regions 6 and 7 that ~~six--and--eight--which~~ are the same as Illinois Department on Aging's Regions 2, 12, and 13 ~~six--seven--eight--and--nine~~.
- 2) The ADRD Downstate Region consists of Illinois Department of Public Health regions 1, 2, 3, 4, and 5 that ~~one--two--three--four--five--and--six--which~~ are the same as Illinois Department on Aging's Regions 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 ~~one--two--three--four--five--ten--and--eleven~~.

c) An illustration of the Department of Public Health regions by county is located at Appendix A.

- 1) Region 1: Rockford Region  
Rockford Regional Office  
4302 North Main Street  
P.O. Box 2903  
Rockford, Illinois 61105
- 2) Region 2: Peoria Region  
Peoria Regional Office  
5415 North University Avenue  
Peoria, Illinois 61614
- 3) Region 3: Edwardsville Region  
Edwardsville Regional Office

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- 22 Kettle River Drive  
Edwardsville, Illinois 62034
- 4) Region 4: Marion Region  
Marion Regional Office  
2309 West Main Street  
Marion, Illinois 62959
- 5) Region 5: Champaign Region  
Champaign Regional Office  
2125 South First Street  
Champaign, Illinois 61820
- 6) Region 6: West Chicago Region  
West Chicago Regional Office  
245 West Roosevelt Road, Building 5  
West Chicago, Illinois 60185
- 7) Region 7 (2 offices): Chicago Region  
Chicago Regional Offices
  - A) Bellwood Office  
4212 West St. Charles Road  
Bellwood, Illinois 60104
  - B) Chicago Office  
100 West Randolph, Room 6-600  
Chicago, Illinois 60601."

In Section 710.120, after "metropolitan region" inserted "(Department of Public Health Regions 6 and 7)", and after "downstate region", inserted "(Department of Public Health Regions 1, 2, 3, 4, and 5)".

In Section 710.200 added:

"All designated Regional ADA Centers shall receive grants, subject to appropriation, from the Department based upon the funding formula provided in the Alzheimer's Disease Assistance Act ~~number-of-centers-designated--funds-requested--and-the-appropriated-funds--~~".

In Section 710.210 added: "General Research Grants must meet all of the criteria in Section 710.220, except subsection (c). Early Researcher's Grants must meet all of the criteria in Section 710.220."

In Section 710.220(f) added "Alzheimer's Disease Research Act".

In Section 710.230(e) and (f) added ", Alzheimer's Disease Research Act". In Appendix A, in the graphic, added Region numbers after the Regional Labels and replaced:

- "Regional ADA Centers' Service Areas:
1. Chicago ADA Region: Department's Chicago/West Chicago Regions.
2. Downstate ADA Region: All other Department Regions." with "Regional ADA Centers' Service Areas:

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- A. Chicago ADA Region: Department's Chicago/West Chicago Regions.  
 B. Downstate ADA Region: All other Department Regions."

In addition, style and technical changes were made in response to comments from the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee?  
 Yes
- 13) Will the rulemaking replace an emergency rulemaking currently in effect?  
 No
- 14) Are there any other amendments pending on this Part? No

- 15) A Complete Description of the Subjects and Issues Involved: The rulemaking implements P.A. 90-404 by changing the definition and designation criteria for Regional Alzheimer's Disease Assistance (ADA) Centers. The Public Act also requires an additional Center be located in the Chicago metropolitan area (a change from one to 2 Centers) and includes a revised funding formula for the distribution of funding to the Centers. The rulemaking changes the Alzheimer's Disease Research Fund (ADRF) maximum award amounts and reporting requirements recommended by the Alzheimer's Disease Advisory Committee. In addition, the amendments delete the label of "Alzheimer's victims" and make other technical changes.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Paul D. Thompson  
 Division of Legal Services  
 535 West Jefferson, Fifth Floor  
 Springfield, Illinois 62761  
 (217) 782-2043  
 (rules@idph.state.il.us)

The full text of the adopted amendments begins on the next page:

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- TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER 1: CHRONIC DISEASES

## PART 710

## ILLINOIS ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE CODE

## SUBPART A: GENERAL PROVISIONS

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710.10	Applicability
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710.40	Availability of Information
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## SUBPART B: REGIONAL ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE NETWORK

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710.120	Designation Procedures for Regional ADA Centers
710.130	Designation Criteria for Primary Providers
710.140	Designation Procedures for Primary Providers
710.150	Services Provided by Regional ADA Centers and Primary Providers
710.160	Diagnostic Evaluation of AD/AD Patients
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710.170	Treatment
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## SUBPART C: ALZHEIMER'S DISEASE AND RELATED DISORDERS GRANTS

Section	
710.200	Grants to Regional ADA ADRD-Assistance Centers
710.210	Grants from the Alzheimer's Disease Research Fund
710.220	Funding Criteria for Grants from the Alzheimer's Disease Research Fund
710.230	Criteria for Approval of Alzheimer's Disease Research Act Proposals

## APPENDIX A Regions of Illinois Department of Public Health and Regional ADA Centers' Service Areas /ADRD

**AUTHORITY:** Implemented and authorized by the Alzheimer's Disease Research Act [410 ILCS 410] and Alzheimer's Disease Assistance Act [410 ILCS 405].

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 20029, effective November 21, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 8743, effective April

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15, 1987; amended at 13 Ill. Reg. 16488, effective November 1, 1989; amended at 25 Ill. Reg. 11159-, effective SEP-1-2001.

## SUBPART A: GENERAL PROVISIONS

## Section 710.10 Applicability

The Illinois Alzheimer's Disease and Related Disorders Assistance Code (77 Ill. Adm. Code 710) applies to all facilities and health care providers designated as part of the statewide Alzheimer's disease and related disorders assistance network or facilities and providers requesting research grants. This Code creates a statewide system of regional and community-based services to provide for the identification, evaluation, diagnosis, referral and treatment of persons with victims--of Alzheimer's disease and related disorders. Further information concerning this Code can be obtained from the Illinois Department of Public Health at the following address:

Illinois Department of Public Health  
Alzheimer's Disease Program  
535 West Jefferson Street, Floor #2  
Springfield, Illinois 62761-0001-

(Source: Amended at 25 Ill. Reg. 11159-, effective SEP-1-2001)

## Section 710.20 Definitions

"ACT" means the Alzheimer's Disease Assistance Act [410 ILCS 405] (~~111-Rev-Stat-1987-CH-111-172-PAR-6951-et-seq-1~~).

"ADA Advisory Committee" or "Advisory Committee" or "Committee" means the Alzheimer's Disease Advisory Committee created under Section 6 of this Act. (Section 3(e) of the Act.)

"Alzheimer's Disease and Related Disorders" or "AD" or "ADRD" means a health condition resulting from significant destruction of brain tissue with resultant loss of brain function, including, but not limited to, progressive, degenerative and dementing illnesses including presenile and senile dementias, including Alzheimer's Disease and other related disorders. (Section 3(a) of the Act.)

"Alzheimer's Disease Assistance Network" or "ADA Network" means the various health, mental health and social services agencies that provide referral, treatment and support services under standards and plans adopted and implemented in conjunction with a regional ADA center. (Section 3(d) of the Act.)

"Caregivers" means those individuals that provide a continuum of care

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to persons with ADRD victims; this definition includes family members, relatives, health care professionals, legal guardians, and other individuals.

"Case Management" means providing comprehensive needs assessment and services coordination to assist persons with ADRD victims and their families in gaining access to and receiving needed support services.

"Clearinghouse Services" means the procedure for the correlation of data and matching services to persons with ADRD victims and families.

"Clinical Diagnosis" or "diagnosis" "diagnosis" means the process of identifying by means of an examination "Probable AD", "Possible AD", and/or or-and "Definite AD".

"Consultation" means information given by the multi-disciplinary team to persons who may be, or who have been, diagnosed with as-victims--of Alzheimer's disease and related disorders and to their family members and legal guardians.

"Dementia" or "Primary Dementia" "primary--dementia" or "Dementing Illness" "dementing-ness" means a loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

"Department" means the Illinois Department of Public Health. (Section 3(f) of the Act.)

"Detection" means the process of determining through identification and diagnostic evaluation the level of probable AD and geographic distribution of persons with victims--of Alzheimer's disease and related disorders.

"Diagnostic Evaluation" means evaluations of a person suspected of having Alzheimer's disease through physical, neurological and psychiatric evaluations. After other diseases have been ruled out, a determination of AD can usually be made on the basis of medical history, mental status and the course of the illness; the process of assessing cognitive abilities and deficits among persons who may be or who have been diagnosed with as-victims--of Alzheimer's disease and related disorders; and the process of assessing the social needs and capabilities of persons with ADRD victims, caregivers and family members.

"Identification" means the description of the specific form of dementing illness; it does not imply that the condition will have a particular course, duration or end-point.



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"Multi-Disciplinary Team" or "Referral Team ~~referral-team~~" means a team approach that ~~which~~ assesses the needs and capabilities of persons with ~~AB--victims~~ and family members; team members are drawn from the disciplines of medicine (general medicine, neurology, psychiatry), nursing, social work, psychology and occupational therapy.

"Primary Alzheimer's Provider" or ~~or~~ "Primary ~~ADRD~~ Provider" or "Primary Provider" means a licensed hospital, a medical center under the supervision of a physician licensed to practice medicine in all of its branches, or a medical center that provides medical consultation, evaluation, referral and treatment to persons who may be or who have been diagnosed as persons with ~~victims-of~~ Alzheimer's disease ~~Disease~~ or related disorders pursuant to policies, standards, criteria and procedures adopted under an affiliation agreement with a regional ~~ADA~~ center under the ~~this~~ Act. (Section 3(c) of the Act.)

"Primary Investigator" means the person with prime responsibility for conducting a research project.

"Referral" means the process of linking persons who may be or who have been diagnosed as persons with ~~victims--of~~ Alzheimer's disease or related disorders with services in response to those needs.

"Regional Alzheimer's Disease Assistance Center" or "Regional ~~ADA~~ Center" means ~~any~~ a post-secondary higher educational institution having a medical school in affiliation with a medical center having a National Institutes of Health and National Institutes on Aging Sponsored Alzheimer's Disease Core Center. ~~Any Regional ADA Center which was designated as having a National Alzheimer's Disease Core Center but no longer carries such designation shall continue to serve as a Regional ADA Center 7-and-designated-as-such-by-the-Illinois Department-of-Public-Health-under-Section-4-of-this-Act.~~ (Section 3(b) of the Act.)

"Research" means a scientific investigation into possible causes, locations, progression, treatment, care and cure of Alzheimer's disease and related disorders.

"Research Act" means the Alzheimer's Disease Research Act [410 ILCS 410] (~~1997-Stat--19077-ch--111-i/27-par--690i-et--seq--~~).

"Service Area" means a specific geographic area of Illinois served by an ADA network containing a Regional ADA Center.

"Social Services Agencies" or "Social Agencies ~~social-agencies~~" or "Resource Agencies ~~resource-agencies~~" or "Other Public and Private Resources ~~other--public--and--private---resources~~" means entities that

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provide direct support and help to persons who may be or who have been diagnosed with ~~as-victims-of~~ Alzheimer's disease and related disorders and to their caregivers.

"Support Services" means both formal and informal resources that are available to the support system of caregivers, which include family members, in order to meet the needs of persons with ~~ADRD victims~~, including nursing, adult day care, long term care, rehabilitation, mental health and social services.

"Training and Continuing Education" means all in-service training, staff development, refresher courses, workshops, conferences, institutes, lectures and other educational methods used to assist health care professionals and caregivers in care and treatment of persons with ~~ADRD victims~~.

"Treatment" or "Patient Treatment ~~patient--treatment~~" or "Care and Treatment ~~care--and--treatment~~" means everything that can be done to treat and support persons who may be or who have been diagnosed with ~~as--victims--of~~ Alzheimer's disease and related disorders in order to improve the quality of life, including support for their family members.

(Source: Amended at 25 Ill. Reg. 11159, effective ~~SEP - 1 2001~~)

Section 710.30 Incorporated Materials

- a) The following materials are incorporated or ~~referenced~~ in this Part:
- 1) Alzheimer's Disease Assistance Act [410 ILCS 405] (~~1997-Rev-Stat--19077--ch--111--i/27--par--695i-et--seq--~~) (~~See Section 710.20).~~
  - 2) Alzheimer's Disease Research Act [410 ILCS 410] (~~1997-Rev-Stat--19077--ch--111-i/27-par--690i-et--seq--~~) (~~See Section 710.20).~~
- b) The following materials are referenced in this Part:
- 1) Freedom of Information Code rules (2 Ill. Adm. Code 1126) (~~See Section 710.40).~~
  - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (~~See Section 710.50).~~
  - 3) Protection of Identity of Research Subjects (42 CFR 2.4(a)-(j), 2a.6(a)-(b), and 2a.7 20-7(a)-(b)) (~~See Section 710.230).~~
  - 4) All citations to federal regulation in this Part concern the specified regulations in the 2000 1907 Code of Federal Regulations, unless another date is specified.
  - 5) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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(Source: Amended at 25 Ill. Reg. 11159 = , effective SEP - 1 2001)

## Section 710.40 Availability of Information

- a) All reports issued by the Department that which are aggregated to make it impossible to identify any patient or reporting facility, including the ADA Plan, shall be made available to the public pursuant to the Department's Freedom of Information Code rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act [405 ILCS 140] ~~+++Rev--Stat-1987--ch--1167--par--201-et-seq-7.~~
- b) All requests from researchers for access to data must be submitted in writing to the Department. All these such requests will be reviewed according to ~~in accordance with~~ the provisions in Sections 710.210 and 710.220 of this Part.

(Source: Amended at 25 Ill. Reg. 11159 = , effective SEP - 1 2001)

## SUBPART B: REGIONAL ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE NETWORK

## Section 710.100 Description of the Network and Regions

The purpose of the Act is to create a network of services for patients suffering from Alzheimer's disease and related disorders and to establish diagnostic and treatment centers for Alzheimer's disease and related disorders. At least 2 one Regional ADA Centers Center will serve the Chicago metropolitan and surrounding area (Department of Public Health Regions 6 and 7), and at least one Regional ADA Center will serve the rest of the State ~~state~~ (Department of Public Health Regions 1, 2, 3, 4, and 5). (See Section 710. Appendix A7.) These centers will be required to establish a network for the provision of services in their region. This network will consist of health services, mental health services, social services and primary providers accessible to patients and family members and will take advantage of community-based services that are already available and can be developed. The establishment of the Alzheimer's disease and related disorders assistance network will facilitate development of a system for delivery and coordination of services to these patients and their families.

- a) An Alzheimer's disease assistance network is composed of 3 ~~three~~ elements:
- 1) A Regional Alzheimer's Disease Assistance Center that which enters into affiliation agreements with primary and other providers for the provision of services. The principal principle duties of the Centers will be diagnostic evaluation, treatment, referral and research.
  - 2) Primary ADRD providers provide direct medical consultation, evaluation, referral and treatment.

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- 3) Other public and private resources providing health, mental health, and social services, such as local physicians, nursing homes, home-care providers, self-help and support groups.
- b) The ADRD regions consist of the following Illinois Department of Public Health regions:
- 1) The ADRD Chicago Region consists of Illinois Department of Public Health regions 6 and 7 ~~that six-and-eight-which~~ are the same as Illinois Department on Aging's Regions 2, 12, and 13 ~~six-seven-eight-and-nine.~~
  - 2) The ADRD Downstate Region consists of Illinois Department of Public Health regions 1, 2, 3, 4, and 5 ~~that one-seven-three-four-five-and-six-which~~ are the same as Illinois Department on Aging's Regions 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 ~~one-seven-two-three-four-five-ten-and-eleven.~~
- c) An illustration of the Department of Public Health regions by county is located at Appendix A.

1) Region 1: Rockford Region  
Rockford Regional Office  
4302 North Main Street  
P.O. Box 2903  
Rockford, Illinois 61105

2) Region 2: Peoria Region  
Peoria Regional Office  
5415 North University Avenue  
Peoria, Illinois 61614

3) Region 3: Edwardsville Region  
Edwardsville Regional Office  
22 Kettle River Drive  
Edwardsville, Illinois 62034

4) Region 4: Marion Region  
Marion Regional Office  
2309 West Main Street  
Marion, Illinois 62959

5) Region 5: Champaign Region  
Champaign Regional Office  
2125 South First Street  
Champaign, Illinois 61820

6) Region 6: West Chicago Region  
West Chicago Regional Office  
245 West Roosevelt Road, Building 5  
West Chicago, Illinois 60185

7) Region 7 (2 offices): Chicago Region  
Chicago Regional Offices

A) Bellwood Office  
4212 West St. Charles Road  
Bellwood, Illinois 60104

B) Chicago Office  
100 West Randolph, Room 6-600

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Chicago, Illinois 60601

(Source: Amended at 25 Ill. Reg. 11159, effective SEP - 1 2000)

## Section 710.110 Designation Criteria for Regional ADA Centers

To in-order-to be designated considered-for-designation by the Department as a Regional ADA Center, an applicant must meet all of provide the following documentation-and-information:

- a) Be Certification-of-the-applicant's-status-as a post-secondary higher educational institution having a medical school in affiliation with a medical center and have a National Institutes on Health and National Institutes on Aging sponsored Alzheimer's Disease Core Center or any Regional ADA Center that was designated as having a National Alzheimer's Disease Core Center, but no longer carries this designation.
- b) Identify identification---of a Regional Coordinator with responsibilities for monitoring all aspects of the Center's duties.
- c) Have a plan describing A-description-of how the region will be served (complying with Section 710.100), which shall include at a minimum:
  - 1) Specific geographic areas to be covered with specific services.
  - 2) Target populations to be served, including age groups by sex, race and population size.
- d) Have A-description-of--the on-site comprehensive diagnosis, and treatment facilities and services available that through--the applicant shall include at a minimum identification-of:
  - 1) Specific services that which comply with the criteria as set forth in Sections 710.150 to 710.180.
  - 2) Professional medical staff specially-trained for detection, diagnosis and treatment available to persons with AB-victims and families in the following areas:
    - A) Geriatric medicine Medicine (including Internal Medicine and Family Practice).
    - B) Neurology.
    - C) Psychiatry.
    - D) Pharmacology.
- 3) Support staff trained as caregivers to persons with AB victims and families.
- 4) Equipment necessary for diagnosis and treatment available to persons with AB-victims and families.
- 5) Written plans for transportation services for outreach that, which assure access to services for persons with AB--victims and families.
- 6) Any additional services, equipment or medical and support staff available to persons with AB-victims and families.
- 7) Medical and financial eligibility for services available to persons with AB-victims and families. (Section 4 of the

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Act-)

- e) Have the--identification--of consultation and referral services available through-the-applicant to persons with ABD victims and their families, and for each service:
  - 1) Have written A-description--of procedures to assure informed consent for referral and disclosure of information.
  - 2) Have copies of consent forms available to persons with ABD victims and family members.
  - 3) Have written A-description-of procedures used by-the-applicant to assist persons with ABD victims and their families in obtaining support services through primary and other providers.
- f) Have A-description-of research facilities and programs conducted by the--applicant's faculty and students to discover the cause of, diagnosis, cure or treatment for Alzheimer's disease and related disorders that shall include at a minimum:
  - 1) Research under the Research Act that which complies with the criteria as set forth in Sections 710.210 and 710.220.
  - 2) Research group members and affiliations.
  - 3) Copies of progress reports for ongoing research, including research objectives.
  - 4) Current source and amount of funding for research programs.
  - 5) Procedures and forms used to obtain patient consent to participate in research.
  - 6) Any preliminary or final reports on results and conclusions.
- g) Have a list A-listing of scientific and medical research programs concerning Alzheimer's disease and related disorders other than those identified in subsection (f) that are designed to qualify for Federal funds that shall include--and for each program:
  - 1) Principal investigator, research group members and affiliations.
  - 2) Copies of progress reports for ongoing research, including research objectives.
  - 3) Current source and amount of funding for research programs.
  - 4) Potential sources of Federal financial participation.
  - 5) Any preliminary or final reports on results and conclusions.
- h) Have a A-description-of centralized data collection, processing and storage system facilities that will serve as a clearinghouse of information within the service area and that system shall include at a minimum identification-of:
  - 1) Automated equipment available for recording, updating and tracking information to assist person's with Alzheimer's disease and related disorders victims, families, professionals and other providers.
  - 2) Forms and procedures used to report and process information in the patients' medical records in relation to consultations, referrals and treatments by service providers within the Alzheimer's Disease Assistance Network.
  - 3) Telecommunications services available to persons with ABD victims, families, professionals and other providers.



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- 4) Information summaries describing the purpose, nature and scope of clearinghouse services available to persons with Alzheimer's disease and related disorders victims, families, professionals and other providers.
- 5) Current fact sheets and information packets developed in areas of interest to family members, professionals ~~professional~~ and other providers.

i) Maintain a description of training and continuing education programs provided or planned for personnel and caregivers (including family members) within the service area. ~~For~~ and for each program, the description shall include:

- 1) Goals, objectives, activities and outcomes.
- 2) Number of programs, participants and instructors.
- 3) Curriculum materials, non-print media and audiovisual and electronic equipment.
- 4) Evaluation forms and results.

j) Have a plan ~~plans~~ for the identification of Primary Providers that which will provide services throughout the region within the ADA Network network.

k) Have a plan ~~plans~~ for the identification of other providers of service within the ADA Network network, and for each other provider of service that is identified:

- 1) Copies of written plans for complying with minimum standards for referral, treatment and support services (as set forth in Sections 710.150 to 710.170) adopted in conjunction with the Regional ADA Center applicant.
- 2) Financial eligibility criteria for receiving services.
- 3) Utilization reports on facilities and services available from other providers of service to persons with AD/DR victims and families within the area.
- 4) Copies of reports on research and treatment.

l) Have written ~~Written~~ affiliation agreements with all identified and designated primary providers.

m) Have written ~~A--description--of--the~~ procedures for recording and reporting research and treatment results from primary providers and other providers to the service providers within the Network network and to the Department.

(Source: Amended at 25 Ill. Reg. 11159, effective SEP-1-2001)

## Section 710.120 Designation Procedures for Regional ADA Centers

a) ~~An--applicant--seeking--designation--as--a--Regional--ADA--Center--must--submit documentation--and--information--in--accordance--with--guidelines--set--forth in--a--Request--for--Proposal--b) The Department shall designate 2 no more--than--one Regional ADA Centers in the Chicago metropolitan region (Department of Public Health Regions 6 and 7) and at least one in the~~

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downstate region (Department of Public Health Regions 1, 2, 3, 4, and 5) based upon meeting the definition of a Regional ADA Center as defined in Section 710.20 ~~Center-per-region-based-upon-the-following criteria--degree-of-compliance-with-the-provisions-of--the--Act--and this--Part--and--recommendations--from--the--Alzheimer's--Disease--Advisory Committee.~~

be) Specific information concerning the designations Request-for-Proposal can be obtained by contacting the Division--of--Chronic-Diseases Alzheimer's Disease Program, Illinois Department of Public Health, 535 West Jefferson Street, Floor #2, Springfield, Illinois 62761-0001.

(Source: Amended at 25 Ill. Reg. 11159, effective SEP-1-2001)

## Section 710.130 Designation Criteria for Primary Providers

To ~~in--order--to~~ be considered for designation as a primary provider, an applicant must provide the following documentation and information:

- a) Documentation that the applicant meets the definition of primary provider. (See Section 710.20, Definitions.)
- b) Documentation of the applicant's actual or proposed affiliation with a Regional Alzheimer's Disease Assistance Center.
- c) A description of the proposed service area shall include at a minimum all of the following items:

- 1) Specific geographic areas to be covered with specific services, race and population size,7
- 2) Target populations to be served, including age groups by sex,7
- d) A description of the specific services to be provided that which comply with the criteria ~~as-set-forth~~ in Sections 710.160 to 710.180,7
- e) A description of the professional medical staff, support staff and equipment to be provided,7
- f) Written plans for transportation services for outreach that which assure access to services for persons with AD/DR victims and families.
- g) Copies of written plans for complying with minimum standards for referral, treatment and support services under ~~as--set-forth--in~~ Sections 710.160 to 710.180,7
- h) Financial eligibility criteria for receiving services,7
- i) Utilization reports on facilities and services available from primary providers to AD/DR patients and families within the service area,7 and
- j) Copies of reports on research and treatment.

(Source: Amended at 25 Ill. Reg. 11159, effective SEP-1-2001)

## Section 710.140 Designation Procedures for Primary Providers

An applicant may pursue designation as a primary provider through either of 2 two methods:

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- a) In cooperation with an applicant seeking designation as a Regional ADA Center. The applicant for Center designation would submit information and documentation related to the potential primary provider in accordance with the criteria set forth in Sections 710.100(j) and 710.130.

1) All applicants that which meet the definition of "Primary Providers" and provide the information required in Section 710.130 shall be designated by the Department.

2) Each Regional Center will certify an applicant's documentation and information for designation as a primary provider.

- b) By application to the Division--of--Chronic--Diseases, Alzheimer's Disease Program, 535 West Jefferson, Floor #2, Springfield, Illinois 62761-0001, and according to in accordance with the criteria set forth in Section 710.130.

(Source: Amended at 25 Ill. Reg. 11159<sup>2</sup>, effective SEP - 1 2001)

## Section 710.165 Multi-disciplinary Team Responsibilities

- a) A multi-disciplinary Multi-disciplinary team shall be responsible for preparing and evaluating a care plan to meet the needs of the patient. This care plan shall include at a minimum all of the following items:

- 1) Examinations on inpatient or outpatient basis.<sup>7</sup>
  - 2) Review of prescriptions, medications, and ancillary treatments.<sup>7</sup>
  - 3) Backup for support services provided by other health care professionals.<sup>7</sup>
  - 4) Nursing needs assessment.<sup>7</sup>
  - 5) Education and training of family and caregivers on care and treatment.<sup>7</sup>
  - 6) Psychosocial services to AD/DR patient and caregivers.<sup>7</sup>
  - 7) Evaluation of home environment of AD/DR patient and caregivers.<sup>7</sup>
  - 8) Counseling caregivers and family members.<sup>7</sup>
  - 9) Identification of health care, support services, and other community based services to assist caregivers.
- b) Persons who may be or who have been clinically diagnosed as probably having probable-victims-of Alzheimer's disease and related disorders shall be referred by the multi-disciplinary team to social service agencies and other sources of care in response to identified needs.

(Source: Amended at 25 Ill. Reg. 11159<sup>2</sup>, effective SEP - 1 2001)

## SUBPART C: ALZHEIMER'S DISEASE AND RELATED DISORDERS GRANTS

Section 710.200 Grants to Regional ADA ADRA-Assistance Centers

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All designated Regional ADA Centers shall receive grants, subject to appropriation, from the Department based upon the funding formula provided in the Alzheimer's Disease Assistance Act number-of-Centers-designated-7-funds requested-7-and-the-appropriated-funds.

(Source: Amended at 25 Ill. Reg. 11159<sup>2</sup>, effective SEP - 1 2001)

## Section 710.210 Grants from the Alzheimer's Disease Research Fund

- a) The Department shall make grants from the Alzheimer's Disease Research Fund. These grants will take 2 two forms: General Research Grants not to exceed \$30,000 \$20+000 and Early Researcher's Grants not to exceed \$35,000 \$30+000. General Research Grants must meet all of the criteria in Section 710.220, except subsection (c). Early Researcher's Grants must meet all of the criteria in Section 710.220. The Department will fund General Research Grants on an annual basis. The maximum number of years of funding any one research project shall be 2 two. An annual A renewal application must be submitted for grants funded for 2 two years.

b) Applications shall be approved based upon the following criteria: degree of compliance with the Act and this part, and recommendations from the Alzheimer's Disease Advisory Committee.

- c) The exact amount and number of grants will depend upon amount of funds appropriated to the Department and the number of applications received and approved.

(Source: Amended at 25 Ill. Reg. 11159<sup>2</sup>, effective SEP - 1 2001)

## Section 710.220 Funding Criteria for Grants from the Alzheimer's Disease Research Fund

To be--order--to be considered for grant funding from the Alzheimer's Disease Research Fund, an applicant must provide the Department with the following documentation and information:

- a) For a Research Grant, certification that the applicant is one of the following:

- 1) A physician a-physicians licensed in Illinois to practice medicine in all of its branches.<sup>7</sup>
- 2) A a licensed hospital in Illinois.<sup>7</sup>
- 3) A a licensed laboratory in Illinois.<sup>7</sup>
- 4) A a post-secondary higher educational institution post-Secondary Higher-Educational-institution in Illinois.<sup>7</sup>
- 5) Any other medical professionals (e.g., nurses, therapists, etc.).

- b) For a Research Grant, an applicant shall submit the following documentation and information on research methodology:

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- 1) A brief description of the specific problem to be studied and a brief overview of the proposed methodology.<sup>7</sup>
- 2) Any hypotheses to be tested.<sup>7</sup>
- 3) The experimental design and procedures to be used.<sup>7</sup>
- 4) The research timetable.<sup>7</sup>
- 5) The methods ~~Methods~~ for collecting, analyzing and interpreting data.<sup>7</sup>
- 6) The facilities ~~Facilities~~, equipment and other resources to be used, along with methods of use.<sup>7</sup>
- 7) A description of how the Research Grant would enable the applicant to pursue research that differs from any ongoing research by the applicant.
- 8) The general ~~General~~ background, experience and qualifications of the applying institution or individuals ~~individuals~~.<sup>7</sup>
- 9) A list of proposed personnel, both full-time and part-time, including curricula vitae of the principal researcher and other staff.<sup>7</sup> ~~and~~
- 10) The identification ~~Identification~~ of the project's primary contact person.
- 11) The total ~~Total~~ budget for the ~~research~~ project for which the ~~application~~ is being made.<sup>7</sup>
- 12) All proposed funding sources and amounts, including this grant, other grants, institutional support, and other sources.<sup>7</sup>
- 13) A line item budget for the funding period using a Budget Format provided by the Department.<sup>7</sup> ~~and~~
- 14) The identification ~~Identification~~ of potential funding sources A-proposed-budget ~~covering-a-two-year-period-beyond-the-period-for-which-funding-is-being-sought~~<sup>7</sup> if the applicant is pursuing or intends to pursue on-going research.

c) Additional Criteria for Early Researcher's Grant<sup>7</sup>

## 1) Definition

- A) An early researcher is one who at the time of funding:
    - i) has not been a primary investigator on any federally funded grant.
    - ii) is no more than 3 ~~three~~ years past completion of specialty training.
  - B) A researcher who applies for a multi-year project must meet criterion in subsection 710-220(c)(1)(A)(ii) only for the first year of the project.
- 2) Responsibility
- The design, organization, management and overall execution of the research must be carried out by the early researcher. Secretaries, technicians, statisticians, and the like may be used in an adjunct role, but specialized skills of the early researcher (e.g., clinical interviews, psychological tests, physical examination, complex laboratory studies) must be carried out by the early researcher.
- 3) Commitment

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

The early researcher must demonstrate by past achievements as well as future plans apart from the grant project that the person intends to commit a major part of the future to research in Alzheimer's disease Disease ~~related~~ areas.

- 4) Other Qualifications/Requirements
  - A) Certification that the applicant has completed within the past 3 ~~three~~ years or will be in his/her final year of higher education training during the grant period.<sup>7</sup>
  - B) The criteria outlined in subsections Section 710-220(b)(1) through (7).<sup>7</sup>
  - C) The applicant's qualifications and experience and a brief overview of the applicant's career goals as they relate to Alzheimer's disease and related disorders research.<sup>7</sup>
  - D) A proposed line item budget for the funding period using a Budget Format provided by the Department.
  - E) Three letters of recommendation, including one from the applicant's supervisor or academic advisor.
- d) Funded applicants must comply with the following reporting procedures:
  - 1) Submission to the Department of semiannual ~~quarterly~~ and yearly progress reports.
  - 2) Submission of a project year narrative to the Department.
- e) Solicitation of Research Proposals
 

Research proposals will be solicited in response to a Request for Proposals prepared and distributed by the Department.
- f) Proposal Evaluation
 

Research proposals will be evaluated by a review panel selected from the Alzheimer's Disease Advisory Committee. The applications shall be evaluated and ranked according to degree of compliance with the Alzheimer's Disease Research Act and this Part.

(Source: Amended at 25 Ill. Reg. 11159 ~~11159~~ effective 5-1-2001 ~~5-1-2001~~)

## Section 710.230 Criteria for Approval of Alzheimer's Disease Research Act Proposals

- a) All requests by researchers for confidential data must be submitted in writing to the Department. The request must include a study protocol that which contains: objectives of the research; rationale for the research, including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; methods for the processing of data; storage and security measures taken to ensure confidentiality of patient identifying information; timeframe ~~time-frame~~ of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. (See ~~See~~



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42 CFR 2.a4(a)-(j), 2a.6(a)-(b), and 2a.7 20-7(a)-(b)7.1

- b) All requests to conduct research and modifications to approved research involving the use of data that which includes patient identifying information shall be subject to a standardized review. The Department will enter into contracts for research that which require the release of patient identifying information when requests meet the following conditions:

- 1) The request for patient identifying information contains stated goals or objectives.
  - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
  - 3) The request documents the need for the requested data to achieve the stated goals and objectives.
  - 4) The requested data can be provided within the timeframe set forth in the request.
  - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
  - 6) The research will not duplicate other research already underway using the same data.
  - 7) Other such conditions relevant to the need for the patient identifying information and the patient's confidentiality rights.
- c) The researcher shall include an assurance that use of data is restricted to the specifications of the protocol. Any departures from the approved protocol must be submitted in writing and approved by the Director prior to initiation. No patient identifying information may be released by a researcher to a third party.
- d) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the individual's state of residence only if the recipient of this such information is legally required to hold the such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.
- e) The patient identifying information submitted to the Department by those entities required to submit information under the Act, Alzheimer's Disease Research Act, and this Part shall be privileged and confidential and shall not be available for disclosure, inspection or copying under the Freedom of Information Act [5 ILCS 140] ~~Rev-Stat-1987-ch-116-par-201-et-seq-7~~ or the State Records Act [5 ILCS 160] ~~Rev-Stat-1987-ch-116-par-43-4-et-seq-7~~. ~~However, the prohibitions stated in this Section shall not apply, however, to that information that which is made available under Section 710.40(a) and (b).~~
- f) The patient identifying information submitted to the Department by those entities required to submit information under the Act, Alzheimer's Disease Research Act, and this Part will be used in the course of medical study under the Article VIII, Part 21 of the Code of Civil Procedure [735 ILCS 5/Art. VIII, Part 21] ~~Rev-Stat-1987~~

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~~ch-110-par-0-2101-et-seq-7~~. Therefore, this information is privileged from disclosure by the Medical Studies Part of Article VIII of the Code of Civil Procedure Act.

(Source: Amended at 25 Ill. Reg. 11159, effective SEP-1-2001)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENT(S)

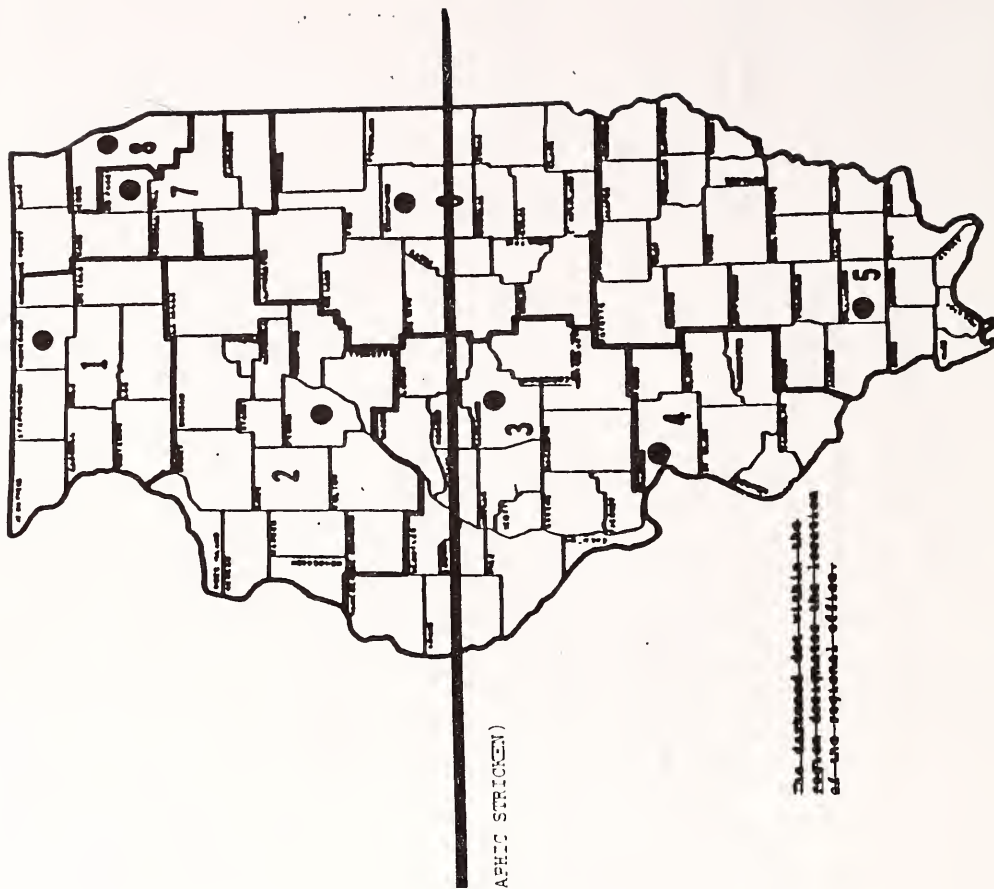
## NOTICE OF ADOPTED AMENDMENT(S)

Section 710.APPENDIX A Regions of Illinois Department of Public Health and  
Regional ADA Centers' Service Areas /ADRRB



new graphic underscoring)

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED AMENDMENT(S)



AFRIC STRICKEN)

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

## Regional ADA Centers' Service Areas:

A. Chicago ADA Region: Department's Chicago/West Chicago Regions.

B. Downstate ADA Region: All other Department Regions.

(Source: Amended at 25 Ill. Reg. \_\_\_\_\_, effective

11159,

SEP 1 2001)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Financing of Traffic Control Signal Installation, Modernization, Maintenance, and Operation on Streets and Highways Under State Jurisdiction
- 2) Code Citation: 92 Ill. Adm. Code 544
- 3) Section Numbers: 544.60  
Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 4-201.12, and authorized by Section 4-201.1, of the Illinois Highway Code [605 ILCS 5/4-201.1 and 4-201.12]
- 5) Effective Date of Amendment: August 16, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 18, 2001, 25 Ill. Reg. 6461
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 544.60(b)(1)(B)(ii), the Department inserted the words "of highway" in the last sentence.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this amendment replace any emergency amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: Part 544 currently requires the Department and local agencies to share maintenance costs of traffic signals at any given intersection in proportion to the number of intersection approaches each agency maintains. For example, at an intersection with a 2-lane city street and a 2-lane State highway, the State and the local agency share the maintenance costs equally. The energy costs, however, are wholly the responsibility of the local agency. At the time the rule was developed, municipalities were able to negotiate



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energy costs for their communities through franchise agreements with utility companies. In many cases, electrical service to individual traffic signals was not even metered and the number of traffic signals made little, if any, difference in the amount the city paid for utilities. In some cases, the city paid no energy charges at all. Therefore, it made little sense to share whatever costs there may have been. However, under the current deregulated energy market, not all municipalities will have franchise agreements and cost for electricity has the potential to be much more expensive.

Because of the rising energy costs and the loss of franchise agreements, the Municipal League requested the Department consider paying a share of the energy costs in the same manner as the maintenance costs. Again, at an intersection with a 2-lane city street and a 2-lane State highway, the State and the local agency would share the energy costs equally. The Department reviewed the matter and determined that sharing the energy costs in the same manner as maintenance costs was fair and logical. The Department's agreement with this proposal is reflected in the adopted revision.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Joe Hill, Chief, Engineer of Operations  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764  
(217) 782-7231

The full text of the adopted amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYS

## PART 544

FINANCING OF TRAFFIC CONTROL SIGNAL INSTALLATION, MODERNIZATION, MAINTENANCE,  
AND OPERATION ON  
STREETS AND HIGHWAYS UNDER STATE JURISDICTION

Section	Title
544.10	Scope
544.20	Traffic Signals
544.30	Definitions
544.40	Agreements and Permits
544.50	Implementation
544.60	Responsibilities
544.70	

AUTHORITY: Implementing Section 4-201.12, and authorized by Section 4-201.1, of the Illinois Highway Code [605 ILCS 5/4-201.1 and 4-201.12].

SOURCE: Adopted at 4 Ill. Reg. 17, p. 284, effective April 10, 1980; codified at 7 Ill. Reg. 2752; amended at 25 Ill. Reg. \_\_\_\_\_, effective AUG 16, 2001.

## Section 544.60 Implementation

## a) Cost of Installation and Modernization-

1) An agreement between the Department and the local agencies will be prepared as outlined in Section 544.50 of this Part. In preparing the agreement, the costs to each agency will be determined on the basis of the following considerations.

A) When Federal funds are used on the project, the established percentage of Federal funds will first be deducted from the total and the remaining cost then proportioned to each agency as described in this Section below.

B) Any agency involved may voluntarily assume responsibility for another agency's share of the costs in order to expedite the installation or modernization.

C) In no case will the assigned cost to a local agency exceed 50 percent of its allotted Motor Fuel Tax funds for one year.

D) The local agency's portion of the cost may be paid from its Motor Fuel Tax funds over a two-year period.

2) The division of financial responsibility for the installation and modernization of the traffic signals will be as follows:

A) Intersection of Two State Highways. The Department will be responsible for the installation and modernization of the

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signals.

- B) Ramp Terminals. The Department will be responsible for the installation and modernization of signals installed at the terminal of ramps connecting to or from a State highway.
- C) Intersection of a State Highway and Other Public Streets or Highways. The Department and the local agencies will share the responsibility for the installation and modernization. The cost to each agency will be in proportion to the number of intersection approaches that it maintains. If existing signals must be relocated because the State highway is widened and no other work is to be done on the signals, the State will assume the entire cost of relocating the signals.

b) Cost of Maintenance

- 1) The division of financial responsibility for the maintenance of the traffic signals will be as follows:

- A) Intersection Lying Wholly Outside the Corporate Limits of any Municipality. The Department will be responsible for the maintenance of the signals.
- B) Intersection Lying Wholly or Partially Within the Corporate Limits of One or More Municipalities. The Department will assume the following costs for the maintenance of traffic signals on State Highways within municipalities.

- i) The total costs for all signals at the intersections of two or more State highways.
  - ii) The total costs for all signals at intersections along State highways that have a level of average daily traffic in excess of 35,000 as shown on the latest published edition of the Department's traffic volume map. The District Engineer will determine the limits of this section of highway within the municipality.
  - iii) The total costs for all signals located at the terminals of ramps connecting to or from a State highway.
  - iv) At all other intersections the Department and the municipalities will share in the cost of signal maintenance. The cost to the municipalities will be in proportion to the number of approaches that they maintain.
- C) Maintenance costs of signals covered by individual agreements executed subsequent to the Master Agreement will be limited to the conditions defined in subsection subparagraph (b)(1)(B) above, except that either agency may accept the other's share of the maintenance cost of an individual signalized intersection when it is clearly in the best interest of the agency to do so. The District Engineer shall obtain the Engineer of Operations' traffic-s concurrence in accepting maintenance costs normally the responsibility of the municipality.

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- D) The total cost of maintaining all other signals in a municipality not included in subsections subparagraphs (b)(1)(B) and (C) will be the responsibility of the municipality.

- 2) Municipalities will not be required to maintain or share in the cost of maintaining signals at an intersection on a State highway where the municipality's annual Motor Fuel Tax allotment is less than 50 percent of the current installation costs of the signals.

c) Energy Charges-

- 1) The division of financial responsibility for the energy charges will be as follows:

- A) Intersection Lying Wholly Outside the Corporate Limits of any Municipality. The Department will pay the energy charges for the operation of the signals.

- B) Intersection Lying Wholly Within the Corporate Limits of a Municipality. The municipality and the Department will share the energy charges according to the proportionate number of intersection approaches maintained by each agency will-be-responsible-for-the-energy-charges.

- C) Intersection Lying Partially Within the Corporate Limits of One or More Municipalities. The municipalities municipalities will be responsible for the energy charges.

- 2) Municipalities will not be required to pay or share in the cost of energy charges for signals at an intersection on a State highway where the municipality's annual Motor Fuel Tax allotment is less than 50 percent of the current installation cost of the signals.

d) Standard of Maintenance

- 1) Every signal must be maintained to at least the minimum level prescribed in the Illinois Manual on Uniform Traffic Control Devices. Exceptionally high traffic volumes, operational problems, or other special conditions may require a higher level of maintenance be established for certain individual signals or State highway segments. When required, the District Engineer may stipulate the higher level of service with the concurrence of the Central Engineer of Operations traffic.

- 2) Where a municipality has demonstrated to the satisfaction of the District Engineer that it can provide the established level of maintenance with its own forces or through an ongoing contractual agreement, the District Engineer may authorize maintenance by the municipality.

- 3) Where the municipality does not wish to provide maintenance or where the District Engineer has determined the agency does not have the capability of providing the required level of service, the Department will maintain the signals.

- 4) The State reserves the right to take over the maintenance of the traffic signals and to bill the local agency for the cost of such

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maintenance upon 30 days' notice in writing, if the local agency fails to maintain the traffic signals as specified.

## e) Billing

- 1) The agency providing the maintenance will bill the other agency for its appropriate share of the costs on a schedule determined by mutual agreement. The billing period shall not exceed one year.
- 2) The billing amount shall be for the maintenance cost incurred, less any third party damage claims received for repair of signals that are the responsibility of the billed party.
- 3) Any proposed single expenditure in excess of \$5,000 for repair of damage to a single installation must be approved by the billed party before the expenditure is made. The Department reserves the right to examine the records of the municipality to determine the costs billed are fully documented.

(Source: Amended at 25 Ill. Reg. 11183, effective AUG 16 2001)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 14, 2001 through August 20, 2001 and have been scheduled for review by the Committee at its September 11, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/28/01	Illinois Housing Development Authority, Accessible Housing Demonstration Grant Program (47 Ill Adm Code 368)	4/27/01 25 Ill Reg 5693	9/11/01
9/28/01	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	6/8/01 25 Ill Reg 7018	9/11/01
9/29/01	Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)	6/29/01 25 Ill Reg 7826	9/11/01
9/30/01	Department of Human Services, Audit Requirements of DHS (89 Ill Adm Code 507)	6/8/01 25 Ill Reg 7035	9/11/01



## PROCLAMATIONS

2001-431

## GUBERNATORIAL PROCLAMATION

A severe storm system accompanied by heavy rainfall on August 2, 2001 moved through the City of Chicago and Cook County. This rainfall caused flash flooding, which resulted in sewer backup and water in basements causing damage to personal property, disruption of commerce, and damage to public property.

In the interest of responding to the threat imposed to public health and safety as a result of this flash flooding, I hereby declare that a disaster exists in the City of Chicago and Cook County, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the State effort to assist in disaster response and recovery operations. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental Federal assistance.

Issued by the Governor August 6, 2001.

Filed by the Secretary of State August 6, 2001.

2001-432

## CHAMBER OF COMMERCE WEEK

WHEREAS, chambers of commerce work with Illinois businesses, merchants, and industry to advance the civic, economic, industrial, professional, and cultural life of our State; and

WHEREAS, chambers of commerce have contributed to the civic and economic life of Illinois for 163 years, since the Galena Chamber of Commerce was founded in 1838; and

WHEREAS, this year marks the 82nd anniversary of the founding of the Illinois State Chamber of Commerce, the State's leading broad-based business organization; and

WHEREAS, chambers of commerce encourage the growth of existing industries, services, and commercial firms and encourage new businesses and individuals to locate in Illinois, acting as a liaison with the State of Illinois, local governments, schools, and the business community; and

WHEREAS, this year marks the 86th anniversary of the Illinois Association of Chamber of Commerce Executives, a career development organization for chamber of commerce professionals; and

WHEREAS, Illinois is the home to international chambers of commerce, the Great Lakes Region of the U.S. Chamber of Commerce, the Illinois State Chamber of Commerce, and more than 350 local chambers of commerce;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 9-15, 2001, as CHAMBER OF COMMERCE WEEK in Illinois.

Issued by the Governor August 3, 2001.

Filed by the Secretary of State August 9, 2001.

2001-433

## CONSTITUTION WEEK

WHEREAS, September 17, 2001, marks the 214th anniversary of the drafting of

the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, our Founding Fathers ordained and established the Constitution of the United States of America to secure the blessings of liberty for themselves and their posterity; and

WHEREAS, it is commendable to honor their staunch courage and wise counsel by studying the Constitution, knowing our rights, and fulfilling our responsibilities entitled to us by the American Colonists who sacrificed and died to establish the freedoms guaranteed to us all by this great document; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, the National Society of the Daughters of the American Revolution will be celebrating Constitution Week from September 17 through 23, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 17-23, 2001, as CONSTITUTION WEEK in Illinois.

Issued by the Governor August 3, 2001.

Filed by the Secretary of State August 9, 2001.

2001-434

## DELTA SIGMA THETA 44TH ANNUAL EBONY FASHION SHOW DAY

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc., is welcoming the 44th Annual Premier Showing of the Ebony Fashion Fair; and

WHEREAS, Delta Sigma Theta Sorority, Inc., was founded in 1913 with emphases in education and scholarship, physical and mental health, economic development, political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc., is comprised of 210,000 women around the world, of which 5,000 are active in the State of Illinois; and

WHEREAS, these 5,000 college educated Sorors hold key leadership positions and are dedicated to public service throughout the State; and

WHEREAS, Joliet Area South Suburban Chapter remains committed to today's youth and the 44th Annual Ebony Fashion Show will provide scholarships and continuous involvement in the community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12, 2001, as DELTA SIGMA THETA 44th ANNUAL EBONY FASHION SHOW DAY in Illinois.

Issued by the Governor August 3, 2001.

Filed by the Secretary of State August 9, 2001.

2001-435

## MARVIN AND CAROLYN QUNELL'S 50TH WEDDING ANNIVERSARY

WHEREAS, successful and lasting marriages are dependent upon solid foundations; and

WHEREAS, Marvin and Carolyn Qunell's enduring commitment is a testimony to their special bond; and

WHEREAS, over the course of 50 years of marriage there have surely occurred many happy times and difficult challenges that have strengthened their love and friendship;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

September 8, 2001, as MARVIN AND CAROLYN QUNELL'S 50th WEDDING ANNIVERSARY, and wish them many more years of happiness.

Issued by the Governor August 3, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-436

##### GET FOCUSED! CHILDREN'S VISION AWARENESS DAY

WHEREAS, vision disorders are the fourth most common disability in the U.S. and the most prevalent handicapping condition in childhood; and  
WHEREAS, only about 14 percent of children under the age of six receive an eye exam; and

WHEREAS, one of every six children is two or more grade levels behind in reading, and 80 percent of these children have difficulty in eye control and coordination; and

WHEREAS, 25 percent of junior high school age children can't read the blackboard because of near-sightedness; and

WHEREAS, it is important to inform parents and teachers who may have difficulty recognizing some vision problems in children; and

WHEREAS, untreated eye problems can affect learning ability, personality, adjustment in school, athletic ability and self-esteem; and

WHEREAS, the importance of education is a key national focus today, but the essential role of good vision is often overlooked; and

WHEREAS, Sight for Students with Prevent Blindness, Head Start and other community benefit programs with a focus on vision are conducting screenings at the U.S. Capitol, State Capitol and/or major cities across the nation September 26;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26, 2001, as GET FOCUSED21 CHILDREN'S VISION AWARENESS DAY in Illinois.

Issued by the Governor August 6, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-437

##### HELP CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS

WHEREAS, the Illinois State Council of the Knights of Columbus will celebrate and conduct the 32nd annual fund drive for their Departmental Disabilities Program. This 32nd Anniversary Drive will be held September 21-22 to benefit our citizens with developmental disabilities. Last fall, the Knights of Columbus raised more than \$1.7 million, which was distributed to more than 300 organizations throughout Illinois; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided funds and personal assistance to allow youngsters to participate in the local and statewide Special Olympics program; and

WHEREAS, the Illinois State Council of the Knights of Columbus has provided more than \$5 million to build or reconstruct 37 homes for citizens with developmental disabilities in all six dioceses in Illinois; and

WHEREAS, since the Illinois State Council of the Knights of Columbus initiated this program, 47 other States have activated similar campaigns to provide much needed financial assistance for the developmentally disabled;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

September 21-22, 2001, as HELP CITIZENS WITH DEVELOPMENTAL DISABILITIES DAYS in Illinois.

Issued by the Governor August 6, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-438

##### PUBLIC LANDS DAY

WHEREAS, Illinois' system of public lands includes parks, unique landscapes, forests, wildlife refuges, historic trails, natural streams and wetlands, nature centers, gardens and other landmark areas that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the good will, cooperation and active support of citizens, community, city, and State officials, business leaders, children and adults; and

WHEREAS, the Civilian Conservation Corps gave our nation a magnificent legacy of stewardship of our treasured natural resources that is being passed to younger generations; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, an alliance between private citizens, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 29, 2001, as PUBLIC LANDS DAY in Illinois.

Issued by the Governor August 6, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-439

##### BRIAN RANEY AVENUE

WHEREAS, the Illinois State Fair is recognized for its excellent promotion and award presentations of Illinois products, 4-H educational projects, and local, state, and national animal husbandry; and

WHEREAS, the Illinois State Fair is grateful to the various corporate sponsors who continue to provide financial assistance; and

WHEREAS, the Illinois State Fair continues its commitment to provide quality family entertainment for all ages, which enabled Kids Korner to begin in 1989; and

WHEREAS, Brian Raney, along with his sister Lynette, became involved with Kids Korner in assisting with the various free programs including story-telling, toys, face-painting, infant changing stations, and cartoon drawing; and

WHEREAS, Brian created his S.T.A.R.S. character for the Students Together Are Really Spectacular club at Franklin Middle School, Springfield; and

WHEREAS, Brian was elected Treasurer of his Freshman Class 2001 at

Springfield Southeast High School; and

WHEREAS, Brian enjoyed growing and selling pumpkins for his church's youth group as well as his family's annual Pumpkin House display; and

WHEREAS, a special thanks to Brian's classmates, relatives, doctors, nurses and friends for their assistance to Brian and his family during his three-year challenge with cancer;

THEREFORE, due to Brian's dedication to the Illinois State Fair and friends alike, I, George H. Ryan, Governor of the State of Illinois, proclaim Friday, August 10, 2001, as BRIAN RANEY DAY in Illinois as we name this street, BRIAN RANEY AVENUE, on the Illinois State Fairgrounds, in his honor.

Issued by the Governor August 7, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-440

##### AMERICAN EGG BOARD

WHEREAS, the American Egg Board is an Illinois entity that was founded in July 1976 to promote the consumption of eggs and egg products to customers, foodservice establishments and food processors; and

WHEREAS, the American Egg Board has faithfully and consistently executed its mission, maintaining an esteemed quality of ethical and promotion standards; and

WHEREAS, the American Egg Board's efforts have resulted in a steadily growing acceptance of eggs as a staple in homes, restaurants and processed foods throughout the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois do hereby commend the American Egg Board in the State of Illinois, and call up on all to recognize July 1, 2001, as the 25th anniversary of this valued Illinois association.

Issued by the Governor August 7, 2001.

Filed by the Secretary of State August 9, 2001.

#### 2001-441

##### SCHOOL'S OPEN SAFETY WEEK

WHEREAS, children all across the State are beginning a new school year; and

WHEREAS, motorists need to remember that students will be walking or biking to school in neighborhoods on sidewalks and streets, approaching or waiting at school bus stops, and boarding or alighting from buses; and

WHEREAS, AAA School Safety Patrol members in bright orange patrol belts will be on duty, guiding their fellow students as they cross busy intersections near schools, and

WHEREAS, members of the AAA School Safety Patrol will also be safeguarding students as they arrive in school buses and private vehicles; and

WHEREAS, the AAA School Safety Patrol members perform a valuable community service everyday of the school year in a responsible and effective manner, selflessly devoting their time to safeguard the lives of fellow classmates walking to and from school and the school bus stop; and

WHEREAS, the AAA School Safety Patrols service program has been credited with helping to achieve a dramatic decrease in pedestrian death rates for children between the ages of five and 14 in the United States; and

WHEREAS, motorists can help protect children by being especially careful

near schools and in residential areas, watching their speed, observing traffic control devices and obeying school crossing guards; and

WHEREAS, it is important to increase all motorists' awareness of the need to be alert for children at school crossings, to review and follow the rules of the road as they apply to school zones and school buses, and to be respectful of the AAA School Safety Patrol members as they perform their important duties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 27-September 2, 2001, as SCHOOL'S OPEN SAFETY WEEK in Illinois.

Issued by the Governor August 10, 2001.

Filed by the Secretary of State August 16, 2001.

#### 2001-442

##### SHIP WEEK

WHEREAS, aging and disabled populations in Illinois are growing dramatically each year; and

WHEREAS, Senior Health Insurance Program (SHIP) volunteers are essential to the Illinois Insurance Department's efforts to educate and assist Medicare beneficiaries; and

WHEREAS, more than 800 volunteers have contributed nearly 150,000 hours to assist over 115,000 clients, thereby saving Illinois citizens an excess of \$6 million; and

WHEREAS, SHIP volunteers are valuable citizens who contribute both their time and talents to improve the lives of Illinois' Medicare beneficiaries;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 10-14, 2001, as SHIP WEEK in Illinois.

Issued by the Governor August 10, 2001.

Filed by the Secretary of State August 16, 2001.

#### 2001-443

##### 65TH ANNIVERSARY OF THE GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUES

WHEREAS, the George Khoury Association of Baseball Leagues strives to provide an avenue for young boys and girls to play baseball, and

WHEREAS, since the establishment of the Khoury League International in St. Louis, Missouri, in 1936 by the late George M. Khoury, a great number of young boys and girls ages 5 to 17 in Illinois, across the nation, and abroad have benefited from youth development rules that the Association provided for baseball, softball, T-ball, and umpire programs; and

WHEREAS, the Association has helped to build strong character and solid values among our youth by promoting sportsmanship that exemplifies the Golden Rule in their baseball programs; and

WHEREAS, the dedication and commitment of the great body of men and women who have volunteered their time and talent to the Association over the years have helped to mold better citizens;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize the year of 2001 as the 65th anniversary of the George Khoury Association of Baseball Leagues.

Issued by the Governor August 10, 2001.

Filed by the Secretary of State August 16, 2001.



## 2001-444

## HUNTING AND FISHING DAY

WHEREAS, conserving Illinois' natural and wildlife resources is one of the most important responsibilities we have to this and future generations; and WHEREAS, hunters and anglers were among the first to realize this responsibility near 100 years ago when they saw firsthand how unregulated exploitation had caused disastrous declines in wildlife populations; and WHEREAS, they also suggested and supported laws to establish special hunting and fishing license fees and special taxes on their equipment to pay for resource conservation programs; and

WHEREAS, hunters and anglers have contributed more than \$21 billion for conservation through these fees and taxes as well as through private contributions of time, labor, and money; and WHEREAS, the resource conservation programs supported and financed by Illinois hunters and anglers have benefited hundreds of wildlife species including deer, wild turkeys, otters, bald eagles and songbirds for the people of Illinois to enjoy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as HUNTING AND FISHING DAY in Illinois

Issued by the Governor August 13, 2001.

Filed by the Secretary of State August 16, 2001.

## 2001-445

## ASSYRIAN MARTYR'S DAY

WHEREAS, the Assyrian-American community of Illinois is commemorating the 68th Anniversary of the Assyrian Genocide; and WHEREAS, the extermination of over 750,000 Assyrians and the forced deportation of countless others during the early 20th Century is recognized every year; and

WHEREAS, the Assyrian-American community of Illinois holds several commemorative events including a special tribute by the Assyrian Martyrs Monument at Montrose Cemetery, a ceremony at the Assyrian Social Club, and a cultural display at the James R. Thompson Center; and

WHEREAS, Assyrians continue to be a people of faith and pride working side-by-side for the future of the Assyrian community; and WHEREAS, Assyrian-Americans have been forthright in their efforts to preserve their culture, heritage, and language; and

WHEREAS, the Assyrian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government, and public service in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 7, 2001, as ASSYRIAN MARTYR'S DAY in Illinois in remembrance of the 68th Anniversary of the Assyrian Genocide.

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environmental health practitioners in the State of Illinois; and WHEREAS, licensed environmental health practitioners, who are trained in biological and sanitary sciences, examine all aspects of the physical and social environment, define and report environmental conditions, and recommend improvements; and

WHEREAS, practitioners serving in industry and in the field of public health are concerned with the education and inspection necessary to maintain the safe processing and distribution of food, clean housing, vector control, radiological health, and minimum environmental pollution; and

WHEREAS, the Illinois Environmental Health Association will be holding its Annual Educational Conference October 15-16, 2001, in Peoria;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as LICENSED ENVIRONMENTAL HEALTH PRACTITIONERS MONTH in Illinois. Issued by the Governor August 14, 2001.

Filed by the Secretary of State August 16, 2001.

## 2001-447

## SAFE SCHOOLS WEEK

WHEREAS, schools make substantial contributions to the future of America and to the development of our nation's young people as knowledgeable, responsible, and productive citizens; and

WHEREAS, excellence in education is dependent on safe, secure, and peaceful school settings; and

WHEREAS, the safety and well-being of many students, teachers, and school staff are unnecessarily jeopardized by crime and violence, such as substance abuse, gangs, bullying, poor discipline, vandalism, and absenteeism in our schools; and

WHEREAS, it is the responsibility of all citizens to enhance the learning experiences of young people by helping to ensure fair and effective discipline, promote good citizenship, and generally make school safe and secure; and

WHEREAS, all leaders-especially those in education, law enforcement, government, and business-should eagerly collaborate with each other and the National School Safety Center, the U.S. Department of Education, and the U.S. Department of Justice to focus public attention on school safety and identify, develop, and promote innovative answers to these critical issues; and

WHEREAS, numerous schools and school districts throughout the country, along with national programs are among those innovative answers; and

WHEREAS, the observance of America's Safe Schools Week will substantially promote efforts to provide all our nation's schools with positive and safe learning climates;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2001, as SAFE SCHOOLS WEEK in Illinois.

Issued by the Governor August 14, 2001.

Filed by the Secretary of State August 16, 2001.

## 2001-448

## YOUNG ADOLESCENTS MONTH

WHEREAS, the period of early adolescence (ages 10-15) is a distinct, developmental period between childhood and full adolescence; and

WHEREAS, this period has been little understood, nor has its importance been

recognized; and

WHEREAS, youth between the ages of approximately 10-15 years undergo more extensive physical, mental, social, moral, and emotional changes than at other time of life, with the possible exception of infancy; and

WHEREAS, the attitudes and values that young adolescents develop during these formative years largely determine their later behavior; and

WHEREAS, parents continue as primary models and guides, even as young adolescents give increased attention to the peer group; and

WHEREAS, the community itself is also a "classroom" in which young adolescents learn many lessons; and

WHEREAS, much valuable information and research about this important age group now exists and Illinoisans should celebrate by extending their knowledge about these critical years and support the health development of young adolescents;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2001 as YOUNG ADOLESCENTS MONTH in Illinois.

Issued by the Governor August 14, 2001.

Filed by the Secretary of State August 16, 2001.

#### 2001-449

##### LONG TERM CARE OMBUDSMAN DAY

WHEREAS, Long Term Care Ombudsmen work daily to uphold their commitment to protect and promote the individual rights and quality of life for 125,000 Illinois citizens residing in nursing homes and other long term care facilities; and

WHEREAS, 480 volunteers and staff are involved in the Illinois Department on Aging's Long Term Care Ombudsman Program; and

WHEREAS, ombudsmen regularly visit almost 1,300 nursing homes and other long term care facilities, offering a helping hand to Illinois' more vulnerable citizenry; and

WHEREAS, ombudsmen routinely provide assistance with specific resident and family concerns and problems; and

WHEREAS, ombudsmen educate communities about many issues facing residents; and

WHEREAS, we wish to honor the commitment and valuable service of the Long Term Care Ombudsmen across Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4, 2001, as LONG TERM CARE OMBUDSMAN DAY in Illinois.

Issued by the Governor August 16, 2001.

Filed by the Secretary of State August 16, 2001.

#### 2001-450

##### RESIDENTS' RIGHTS WEEK

WHEREAS, residents of long term care facilities are members of the "greatest generation", the citizens who fought the wars and built the economy to create the wealth, peace and prosperity which we now enjoy; and

WHEREAS, long term care residents are our mothers, fathers, grandparents, siblings and other loved ones; and

WHEREAS, persons in nursing homes, sheltered care, assisted living and other long term care facilities retain all their rights as U.S. citizens and citizens

of this great State; and

WHEREAS, family members continue as important caregivers to, and protectors of the rights of their loved ones in long term care facilities; and

WHEREAS, strong and independent family councils and resident councils are among the most effective means to insure that residents in long term care facilities receive the high quality care to which they are entitled, and are allowed the full exercise of their rights; and

WHEREAS, the Illinois Department on Aging Long Term Care Ombudsman Program works with residents and their families to protect and promote the rights and quality of life for long term care residents, and to encourage the development of independent resident and family councils;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, encourage all Illinois citizens to join me in honoring the lives and contributions of these Illinois citizens and proclaim October 7-13, 2001, as RESIDENTS' RIGHTS WEEK in Illinois.

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Filed by the Secretary of State August 16, 2001.

#### 2001-451

##### RUSSIAN DAY

WHEREAS, there are several thousand Russian Americans who reside in Illinois and more than one million throughout the United States; and

WHEREAS, the proud Russian American community of Illinois has made contributions in research, teaching, medicine, law, business, art, and public service; and

WHEREAS, Russian Americans have proudly shared their culture, heritage and talents with our State; and

WHEREAS, the State of Illinois is a diverse community composed of many ethnic cultures including rich Russian heritage; and

WHEREAS, every third Sunday in August we celebrate the Russian Community Day in Illinois and the Russian Picnic - 2001 will be held August 19, 2001, in the Harms Woods Forest Preserve;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19, 2001, as RUSSIAN DAY in Illinois.

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